

UNIVERSITY COLLEGE DUBLIN

**European Master's Programme in Human Rights and Democratisation  
A.Y. 2023/2024**

**Colonial Legacies, Dehumanization, and  
International Law: Analysis of the Gaza Genocide**  
Historical Foundations, Theoretical Perspective, and Legal Implications

**Author: Fabiola Celenza**

Supervisor: Pinar Dokumaci

Word Count Declaration: 29,031 words



## ABSTRACT

The roots of the plausible genocide in Palestine lie in more than a century of colonial history that has profoundly shaped the region. Indeed, the war between Israel and Hamas since Oct. 7 is not an isolated phenomenon, but the result of colonial legacies and power dynamics. This research will analyze the influence of colonial legacies in international response and implementation of law in the alleged genocide in Gaza. In addition, theoretical perspectives on dehumanization and international law are analyzed to assess how these frameworks address human rights violations against Palestinians. The hypothesis posits that historical and colonial power dynamics shape international reactions and legal measures. Using critical analysis of historical texts, official statements, and media reports, the study assesses the role of colonial history and dehumanization in the war. It finds that these factors significantly affect international responses, exposing systemic biases and shortcomings in legal frameworks. Despite existing human rights instruments, legal responses are often hindered by political and historical influences. To improve justice and accountability in Gaza genocide, the international community must address these colonial legacies and strive to decolonize legal and diplomatic frameworks.

Keywords: Israeli-Palestinian question, Gaza, genocide, colonialism, human rights violations, international law, dehumanization.

## TABLE OF CONTENTS

<b>ABSTRACT</b> .....	3
<b>INTRODUCTION</b> .....	6
<b>1. CHAPTER: Colonial Legacy of the Palestine-Israel question</b> .....	8
<b>1.1 Foundations of Zionism and Colonial Ambitions</b> .....	9
1.1.2 The Impact of European Colonial Policies.....	10
<b>1.2 Occupation and Resistance Dynamics</b> .....	14
1.2.2 Colonial Dualism: British Policies and Zionist Ambitions.....	15
1.2.3 Resistance and adaptation: Palestinian response and Zionist strategies....	16
1.2.4 Strategic Control and Socio-Economic Decline.....	21
<b>1.3 The Evolution of Occupation and Resistance in Gaza</b> .....	23
1.3.2 Strategic Control and Socio-Economic Decline.....	23
1.3.3 The Dynamics of Resistance and Diplomatic Stalemate.....	28
1.3.4 Blockade and Humanitarian Crisis.....	30
<b>1.4 Recent Developments and Their Historical Context</b> .....	31
1.4.2 The Gaza War.....	32
<b>2. CHAPTER: Genocide and Dehumanization</b> .....	35
<b>2.1 Definition and Role of Dehumanization in Genocide</b> .....	36
<b>2.2 Theoretical Frameworks</b> .....	38
2.2.2 Dehumanization Theory.....	38
2.2.3 Orientalism and its Impact.....	40
2.2.4 Postcolonial Perspectives.....	42
<b>2.3 Case Studies: Dehumanization in Practice</b> .....	43
2.3.2 Genocidal Israeli Rhetoric.....	44
2.3.3 Historical Cases.....	48
<b>2.4 Specific Forms of Dehumanization in Gaza</b> .....	50

2.4.2	Starvation as a Weapon.....	51
2.4.3	Reproductive rights Violations affecting Palestinian women.....	55
2.4.4	Systematic abuse and torture of Palestinian detainees.....	59
<b>3.</b>	<b>CHAPTER: The Role of International Law in the Plausible Genocide in Gaza</b>	<b>63</b>
<b>3.1</b>	<b>The implementation of International Law.....</b>	<b>64</b>
3.1.2	Violations and accountability.....	64
3.1.3	South Africa’s Legal Case Against Israel.....	65
3.1.3.1	<i>Limitations and controversies of the ICJ.....</i>	<i>70</i>
3.1.3.2	<i>Implications to Third States in preventing Genocide.....</i>	<i>73</i>
<b>3.2</b>	<b>International Response to Plausible Genocide.....</b>	<b>76</b>
3.2.2	UN Ceasefire Resolutions.....	77
3.2.3	Complicity of Third States.....	79
<b>3.3</b>	<b>International Law and Colonialism.....</b>	<b>83</b>
3.3.2	Eurocentric foundations and their implications.....	84
3.3.3	International Law and Palestine.....	87
	<b>CONCLUSION.....</b>	<b>90</b>
	<b>BIBLIOGRAPHY.....</b>	<b>92</b>

## INTRODUCTION

The Israeli-Palestinian issue, with reference to the current genocide in Gaza, represents one of the most intractable geopolitical knots of our time. The roots of this genocide lie in more than a century of colonial history that has profoundly shaped the region. Indeed, the war that has been raging between Israel and Hamas since October 7 is not an isolated phenomenon, but the result of colonial legacies and global power dynamics that continue to influence the injustices and human rights violations of Palestinians. The Nakba of 1948, which marks the forced exodus of Palestinians and the creation of the state of Israel, is more than a historical event: it is the beginning of a catastrophe that continues to manifest itself through policies of territorial expansion, systematic human rights violations, and the ongoing dehumanization of the Palestinian people.

The purpose of this paper is to explore how colonial legacies influence the international response to the alleged genocide in Gaza and to assess the extent to which international law addresses the human rights violations suffered by Palestinians. This research stems from the observation that the responses of the international community and the application of international law are often conditioned by historical biases and power dynamics inherited from the colonial past. The central question of this research is to understand how colonial power structures and their modern repercussions influence global actions and responses to the ongoing genocide in Gaza.

The main objectives of this study are to (1) analyze the influence of colonial legacies on the current dynamics of genocide in Gaza and the international response to it; (2) examine how the structures and norms of international law address (or fail to address) human rights violations, beginning with Israel's dehumanization of Palestinians; and (3) assess the gaps and contradictions in the international legal system regarding the prevention and complicity of third parties. To achieve these objectives, the research adopts a methodology based on a critical analysis of historical texts, official statements, and newspaper articles, complemented by a theoretical analysis of dehumanization practices and international legal structures.

The thesis is divided into three main chapters. The first chapter provides a historical contextualization, examining the colonial legacy that shaped the Israeli-Palestinian question, European colonial policies, and the evolution of the conflict to the present day. The second chapter analyzes the phenomenon of dehumanization in the context of the Gaza genocide, exploring how such dehumanization facilitates and justifies acts of violence and genocide. Finally, the third chapter examines the role of international law in addressing violations of Palestinian rights, focusing on its limitations and the lingering colonial influences of third states, particularly Western ones.

The choice to focus on genocide in Palestine is not only a matter of academic relevance, but also reflects an urgent need for truth and justice. Hence the need for an in-depth analysis not only of the ongoing violations, but also of the international responses, which are often inadequate or partial, in order to put the Palestinians' right to self-determination back at the center. Addressing the dehumanization of the genocide in Palestine is essential to giving voice to the suffering and oppression of Palestinians. This process is evident in Israeli narratives and policies that portray Palestinians as inferior beings, facilitating the acceptance of war crimes and crimes against humanity. It also serves as a tool to raise awareness of the need for a just and immediate response to the gravity of such acts of genocide. Finally, there is a historical and contemporary truth that cannot be ignored: understanding the influence of Western countries' colonial legacy and the international legal system on the genocide in Palestine. The international community has a duty to confront its historical complications and contradictions, and this study aims to highlight and challenge these dynamics.

## CHAPTER I

### 1. Colonial Legacy of the Palestine-Israel question

The Palestine-Israel issue is deeply influenced by the colonial legacy that has marked the region. For about 400 years, Palestine was under the control of the Ottoman Empire until the end of World War I, which marked the beginning of significant changes in the region. The roots of this question lie in the period of European imperialist ambitions and colonial policies that shaped the Middle East throughout the 20th century and persist today in the international legal system as discussed in the following chapters.

This chapter delves into the historical context by examining the emergence of Zionism and the role of European powers, particularly the United Kingdom, in the colonization policy of the region. It explores key moments and decisions that left a lasting imprint on the region. From British support for the Zionist project through the Balfour Declaration, to the decisions of the League of Nations and the Mandate system, each stage of this process helped create the conditions for a long Palestine's oppression. It also examines Arab reaction and resistance, the Zionist drive and military strategies that led to the creation of the State of Israel, and the controversial United Nations Partition Plan. The focus is to demonstrate how past colonial policies and decisions made by European powers contributed to the creation of the circumstances resulting in the current plausible genocide in Gaza. This historical background is necessary to reveal the deeply rooted biases and influences that shape contemporary international law and the application of human rights in Gaza.

The second part offers a perspective on the dynamics of occupation and resistance in the Gaza Strip. From 1948 to 1967, Gaza was administered by Egypt, followed by Israeli occupation beginning in 1967. It will explore these periods, highlighting socio-economic conditions, political movements and the evolving nature of resistance by the Gazans. Finally, the chapter will analyze recent developments in the ongoing war in Gaza between

Israel and Hamas since Oct. 7. Given the evolving situation, this analysis is limited and is based on the reports of the Independent International Commission of Inquiry.

This chapter illustrates how historical decisions made by European powers have shaped present-day international legislative and political initiatives. It is crucial to recognize that the responsibilities of Western nations are linked to colonial legacies, which persist in creating unfair power dynamics in the global system. Understanding this historical context is essential as it unveils the entrenched imperial biases that impact the enforcement of modern international law and the application of human rights in Gaza.

### **1.1 Foundations of Zionism and Colonial Ambitions**

Zionism, as an ideological and political movement, emerged in the late 19th century in central and eastern Europe. The founder Theodor Herzl published in 1896 his seminal work, *Der Judenstaat* ("The Jewish State"), articulated the vision of a Jewish state as a solution to Jewish persecution and envisioned a state where Jews could exercise sovereignty and manage their own affairs without reliance on external powers.<sup>1</sup>

The early Zionists initially exhibited some ambivalence about the specific location of the Jewish homeland. However, after Herzl's death in 1904, the movement firmly oriented itself towards Palestine, known in Jewish tradition as Eretz Israel. Traditionally, Jews considered Eretz Israel a holy place of pilgrimage rather than a potential secular state. According to Jewish tradition, Jews would have to wait for the Messiah before returning to Eretz Israel as a sovereign people in a Jewish theocracy. For this reason, some ultra-Orthodox Jews remain non-Zionist or anti-Zionist because they reject the secular nature of Zionism. However, the Zionist movement has secularized and nationalized Judaism, claiming biblical territory as the foundation of its new nationalist movement. Initially, early Zionists viewed Palestine as an "empty" land, ignoring the presence of the indigenous Palestinian population. They perceived those territories as occupied by "foreigners" who had lived there since Roman times and had to be removed to achieve national redemption. It was a limited movement consisting mainly of Jewish settlers who

---

<sup>1</sup> United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I* <https://www.un.org/unispal/history2/origins-and-evolution-of-the-palestine-problem/part-i-1917-1947/> [accessed 22 June 2024]

made up only 5 percent of the Palestinian population until the British occupation in 1918. The early settlers lived in isolated colonies and did not have a significant impact or attract the attention of the local population. Despite their limited scope, some Palestinian leaders foresaw the possibility of a future Jewish takeover and the subsequent expulsion of native Palestinians. Between 1905 and 1910, several Palestinian leaders discussed Zionism as a political movement aimed at acquiring land and power in Palestine. While many saw it as part of the broader European colonial and missionary drive, some local elites recognized its unique threat to the native population. Some Palestinian notables and intellectuals tried to convince the Ottoman government to limit Jewish immigration and settlement, aware of the looming danger.<sup>2</sup>

### *European Colonial Ambitions*

At the beginning of the 20th century, European powers were heavily involved in determining the fate of the declining Ottoman Empire, a process that starkly revealed their colonial ambitions and shaped the region's destiny. During World War I, these colonial intentions became evident through the division of the Arab Levant into spheres of influence under British and French hegemony. The Entente powers—Britain, France, Russia, and later Italy—negotiated their territorial ambitions through the secret Sykes-Picot Agreement of 1916, which divided Ottoman Arab lands into European spheres of influence, with an international regime initially proposed for Palestine, which later came under British control. Despite their quest for control, the European powers recognized that sovereignty should belong to the Arab rulers and people, reflecting the growing strength of Arab nationalism, which aimed for independent nation-states modeled after Europe. Britain's war aims aligned with these Arab aspirations, leading to promises of sovereign independence for Arab territories after the war.<sup>3</sup>

#### **1.1.2 The Impact of European Colonial Policies**

The advent of Zionism and the emergence of European colonial aspirations were closely linked. The Zionist movement arose in the context of European colonialism and capitalized on the geopolitical reconfigurations after World War I and the subsequent

---

<sup>2</sup> Pappé, Ilan. *The Ethnic Cleansing of Palestine*. London, England: Oneworld Publications, 2007

<sup>3</sup> United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I*.

disintegration of the Ottoman Empire. European powers, particularly Britain, played a significant role in facilitating Zionist aspirations through policies such as the Balfour Declaration, which advocated the establishment of a Jewish national home in Palestine. The British Mandate for Palestine, established by the League of Nations, further institutionalized this support by incorporating Zionist ambitions into the framework of European colonial governance. The Mandate system, ostensibly designed to prepare the territories for self-government, actually served European strategic interests and annihilated the Palestinians' right to existence.

### *The Balfour Declaration*

The Balfour Declaration, issued in November 1917 by British Foreign Secretary Arthur James Balfour, was a letter addressed to Lord Rothschild, leader of the British Jewish community, in which the British government expressed its support for the establishment of a "national headquarters for the Jewish people"<sup>4</sup> in Palestine. This document represented a pivotal moment in the Palestine's history, as it showed how imperial powers sought to assert their control over distant territories and reflected their colonial mindset. The declaration ignored Palestinian rights and aspirations, reflecting a belief in the superiority of Western interests over indigenous peoples. It not only legitimized Zionist aspirations but also incentivized Jewish immigration, land acquisition and the development of institutions and military capabilities in Palestine. This pivotal moment in history led to considerable injustices against millions of Palestinians, a consequence that persists to this day.<sup>5</sup>

This document serves as irrefutable evidence that substantiates the systematic disregard for Palestinian rights. It is a primary contributing factor to the perpetuation of a vicious cycle of violence and instability. From its inception, the international human rights system has been predicated on a Eurocentric paradigm that perpetuates colonial injustice and manifests in the current international legal framework. In fact, the drafting of the Balfour Declaration has showed this paradox. Initially, the Zionist draft proposed the reconstitution of Palestine as the national home of the Jewish people, but the final version

---

<sup>4</sup> Ibid.

<sup>5</sup> Dana, Tariq, and Ali Jarbawi. "A Century of Settler Colonialism in Palestine: Zionism's Entangled Project." *Brown Journal of World Affairs*, 2017

was more ambiguous. It mentioned facilitating “the establishment in Palestine of a national home for the Jewish people,” while also ensuring that “nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine.”<sup>6</sup> Ignoring the presence of the indigenous population, the declaration referred to them simply as the “non-Jewish communities in Palestine,” turning them into a minority despite their majority status. At the dissolution of the Ottoman Empire, the Arab population in Palestine numbered 729,873, of whom only 7,143 were Jews.<sup>7</sup> Following the Balfour Declaration, its contradictions arose from the need to secure international support for the creation of a Jewish state for several reasons: to unite Jewish public opinion with that of the Zionists, to align the European powers with British policy, and to obtain international approval for the creation of a Jewish state.<sup>8</sup>

### *The League of Nations*

After World War I, nationalist aspirations surged across the Arab world. The collapse of the Ottoman Empire resolved the "Eastern question," with Britain and France taking control of the Near and Middle East. President Wilson's principle of self-determination suggested that Turkish regions should retain sovereignty, while other nationalities formerly under Turkish rule should be guaranteed secure lives and autonomous development. Despite this, the Allied Powers decided at the 1919 Paris Peace Conference to place former Ottoman territories under the mandates system established by the League of Nations as part of the Treaty of Versailles. This decision was a significant departure from Wilson's principle and aimed to determine the political status of these territories through a framework that ostensibly supported their development towards self-governance.<sup>9</sup> Although the League had a noble mission to promote peace and cooperation, it was criticized for being predominantly European in character and for its failure to include or adequately represent non-European states. This fallacy is evidenced by the failure of member states to condemn aggression, as exemplified by Italy's invasion of Ethiopia in 1936. This inaction was, in part, a consequence of the United States' decision not to join the League and the Soviet Union's delayed membership until 1934, following

---

<sup>6</sup> United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I*.

<sup>7</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*.

<sup>8</sup> United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I*.

<sup>9</sup> Ibid.

the departure of fascist countries.<sup>10</sup> Nevertheless, it once again illustrated the impact of colonial power dynamics, whereby the West perpetuates a system of domination.

### *The Mandate System*

One of the League's significant contributions to the colonial past was the establishment of the mandate system under Article 22 of its Covenant. This system was designed to administer former territories of the defeated Central Empires (primarily Germany and the Ottoman Empire) under the oversight of the League, with the aim of guiding these territories towards self-governance and eventual independence.<sup>11</sup> The mandates were classified into three types based on their development and geography:

- A. Territories of the former Ottoman Empire considered the closest to independence. The mandatory powers (Britain and France) provided administrative support and political guidance. Examples: Iraq (British), Syria and Lebanon (French), and Palestine (British).<sup>12</sup>
- B. These territories required the development of local administrations, protection of residents' rights, and prevention of exploitative practices, including the slave trade in former German colonies in Central and Southeast Africa.<sup>13</sup>
- C. These were sparsely populated areas like former German colonies in Southwest Africa and various Pacific islands, to be administered as part of mandated powers' territories with safeguards for indigenous peoples.<sup>14</sup>

Although the system of mandates continued some colonial practices, distinguishing between "civilized" and "uncivilized" peoples, it marked a step toward more structured international oversight. The aim was to benefit the local populations rather than enrich the mandate powers. This system laid the groundwork for the eventual decolonization

---

<sup>10</sup> Marion Mushkat, "The Process of Decolonization International Legal Aspects," *University of Baltimore Law Review* 2, no. 1 (1972): Article 3. Available at: <http://scholarworks.law.ubalt.edu/ublr/vol2/iss1/3> [Accessed 22 June 2024].

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

process, as the League's supervisory role in promoting human rights, economic development, and political progress helped prepare these territories for independence.<sup>15</sup>

The mandate system was implemented to govern the Arab nations, including Palestine, on an interim basis until independence was achieved. Mandate powers, such as Britain and France, had to draw up the instruments of the mandate, which were then approved by the League of Nations. Iraq gained independence in 1932, while Syria and Lebanon in 1943 and 1944. Transjordan had a separate administration in 1922, approved by the League of Nations, and achieved independence as Jordan in 1946. By contrast, the Mandate for Palestine led to conflict rather than planned independence, generating injustices in the years that followed.<sup>16</sup>

In 1918, a Zionist Commission, headed by Dr. Weizmann, was dispatched to Palestine to implement the British declaration. The objectives were to improve relations with local communities, act as a liaison with military authorities, and mitigate Arab resistance to Zionist aspirations. During this period, the Zionist organization capitalized on the prevailing tensions to advance its objective of securing international endorsement for the establishment of a Jewish state. Thus, it presented proposals at the 1919 Paris Peace Conference that outlined the administration of Arab territories under the governance of the prospective Jewish state.<sup>17</sup> This exposed the iniquities of the Mandate for Palestine and anticipated the predatory approach toward the creation of the State of Israel.

## **1.2 Occupation and Resistance Dynamics**

The period of the British Mandate in Palestine, from 1920 to 1948, represents a crucial epoch in the formation of the Palestinian question. This era is characterized by complex interactions between colonial policies, Zionist ambitions, and Palestinian resistance. To understand the context, it is essential to analyze how these interactions have institutionalized patterns of occupation and resistance, laying the groundwork for ongoing struggles.

---

<sup>15</sup> Ibid.

<sup>16</sup> United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I*.

<sup>17</sup> Ibid.

### 1.2.2 Colonial Dualism: British Policies and Zionist Ambitions

The British Mandate's approach to Palestine was fundamentally dualistic, aiming to reconcile competing interests but ultimately privileging Zionist goals disregarding Palestinian rights. The British administration, led by figures such as Sir Herbert Samuel, a proponent of Zionism, provided protection and support for the implementation of colonial policies while suppressing Palestinian self-determination.<sup>18</sup>

The British Mandate in Palestine was marked by a series of contradictory policies that exacerbated tensions between Jewish and Palestinian communities. Initially, Winston Churchill's July 1922 memorandum aimed to balance Jewish and Arab interests by clarifying that the Balfour Declaration was not intended to create an exclusively Jewish state or to subordinate the Arab population. Instead, it reaffirmed the Jewish right to a national home while limiting Jewish immigration based on Palestine's economic capacity. Despite these assurances, Palestinian resistance was immediate and vocal: they rejected the memorandum and protested institutions that favored the Zionists, emphasizing peaceful coexistence with Jewish communities before the war and attributing the push for a Jewish state to external Zionist influences. Their demands for a national government representative of all Palestinians (Muslims, Christians, and Jews) were ignored.<sup>19</sup>

The situation was further complicated by the Zionist movement's promotion of large-scale Jewish immigration and land acquisition. Between 1920 and 1929, the Jewish population increased from 10% to 17%. In addition, the Zionists controlled land acquisition, employing only Jewish workers, and making land inaccessible to Palestinians. These tensions culminated in conflict in 1929 that resulted in 220 deaths and significant injuries. As a result, British cabinet issued the Passfield White Paper in 1930, in which it proposed limits on Jewish immigration and land acquisition. However, Zionist pressure led to the 1931 MacDonal Letter, which effectively nullified these restrictions and reaffirmed previous policies. The rise of Nazi persecution in Europe led to a significant increase in Jewish immigration to Palestine from 1933 to 1939: about 232,000 Jews immigrated to Palestine, up from about 100,000 in the 1920s.<sup>20</sup> This influx contributed to the Great Arab

---

<sup>18</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*

<sup>19</sup> United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I*.

<sup>20</sup> Ibid.

Revolt, a major Palestinian revolt against British domination and Jewish immigration. During this revolt, Palestinians, inspired by nationalist movements in Egypt and Syria. The revolt saw the formation of the Arab Higher Committee, which called for a general strike and national government. The British response included repressive measures such as curfews, mass arrests and demolitions. The escalating Palestinian resistance and the impending threat of World War II forced the British administration to reconsider its policies.<sup>21</sup> British policies, influenced by Zionist pressures, institutionalized inequality and failed to address the fundamental issues of equitable governance among communities, thus setting the stage for prolonged hostilities.

### **1.2.3 Resistance and adaptation: Palestinian response and Zionist strategies**

The Palestinian people's response to British colonial policies and Zionist expansion reveals a dynamic struggle against external domination and internal displacement. Palestinian resistance has evolved from initial protests to a major uprising, reflecting deep-seated frustrations over land dispossession and exclusion from political processes. However, Zionist strategies and the proposed partition of Palestine would lay the groundwork for the establishment of Israel.

The Peel Commission, led by Lord Robert Peel, investigated the 1936-1939 Arab uprising in Palestine and issued a pivotal 400-page report. Acknowledging the legitimacy of Palestinian demands for independence, the report concluded that the British Mandate's "dual obligations" to both Jews and Arabs were irreconcilable. Thus, it proposed partitioning Palestine. The Commission identified two main causes of unrest: Arab desires for independence and opposition to the Jewish National Home, both stemming from the Balfour Declaration. Recognizing the impracticality of the Mandate, the British government accepted partition, aiming to balance Jewish and Arab aspirations. However, partition was rejected by both Palestinian Arabs, who demanded full independence, and many Zionists, who wanted the entire land for a Jewish state. The subsequent Woodhead Commission deemed partition unworkable due to demographic challenges, leading to the abandonment of the plan. The 1939 London Conference, convened to find alternatives,

---

<sup>21</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*.

failed to reconcile Arab and Jewish demands.<sup>22</sup> Consequently, the British issued the 1939 White Paper, which proposed three significant measures: restricting Jewish immigration to Palestine, limiting land sales and transfers to Jewish ownership, and promising Palestinian independence within ten years. These proposals aimed to mitigate tensions and ensure regional stability. Zionist groups rejected the White Paper and conducted a series of attacks during the 1940s against the British authorities and against Palestinian civilians and property. These attacks highlighted the Zionist movement's determination to pursue its goals despite the restrictions imposed by the British mandate.<sup>23</sup>

From 1945 to 1947, the Zionist movement led by leader David Ben-Gurion developed a clear strategy to take control of Palestine after World War II, exploiting the weakness of the Palestinian leadership and the British retreat. At the end of the war, they began a campaign to oust the British and planned for the future of the Palestinians, who made up 75 percent of the population. The Zionist leaders, while not expressing their views publicly, confided in close associates or noted in diaries their goal of relocating the Arabs while waiting for an opportune moment such as a war, which came in 1948.<sup>24</sup> Preparation to the war was possible because in the late 1930s, Zionist leaders began to build a solid military organization with the support of sympathetic British officers and financial resources from the Jewish diaspora. Orde Charles Wingate, a British officer, played a crucial role in the movement's militarist approach, teaching effective combat tactics to Jewish troops and turning the Haganah into the military arm of the Jewish Agency. This organization planned the military conquest of Palestine and the ethnic cleansing of the indigenous population. One systematic approach to planning the takeover involved the creation of "village dossiers,"<sup>25</sup> initiated by Ben-Zion Luria of the Jewish National Fund. These dossiers detailed the geographical, socio-political, and economic characteristics of each Arab village. In 1946, Ben-Gurion began work on a general strategy against the Palestinian population, culminating in Plan C, an amalgamation of earlier plans that aimed to prepare Jewish military forces for offensives against rural and urban Palestine after the departure of the British. Plan C called for punitive actions, including killings of

---

<sup>22</sup> United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I*.

<sup>23</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*.

<sup>24</sup> Pappe, *The Ethnic Cleansing of Palestine*

<sup>25</sup> Ibid.

Palestinian leaders and attacks on infrastructure. Within a few months, a new plan, Plan D, was drawn up that sealed the fate of the Palestinians. This plan called for their systematic and total expulsion from the territory destined for the future Jewish state, regardless of their cooperation or resistance.<sup>26</sup> This period is crucial to understand the dynamics that led to the creation of Israel and the forced exodus of Palestinians. The strategic and militaristic approach adopted by the Zionist leadership, including detailed planning and the use of military force, directly contributed to the final expulsion of the Palestinian population. This planning underscores the premeditated nature of the predatory and violent actions against the indigenous population, with the approval of Western powers.

### *The UN Partition Plan*

After World War II and the Holocaust, Britain was unable to handle the growing conflict, so referred the Palestine question to the United Nations, which formed the United Nations Special Commission on Palestine (UNSCOP).<sup>27</sup> This recommended the Partition Plan, which provided for the establishment of two separate states in Mandate Palestine. This plan was concretized by United Nations General Assembly Resolution 181, passed on November 29, 1947, which recommended the creation of a Jewish State and an Arab State. Approximately 56.47 percent of the territory will be assigned to the Jewish state, which would include about five hundred thousand Jews, four hundred thousand Arab Palestinians, and ninety-two thousand Bedouin of the Negev desert. The proposed Arab state would occupy approximately 42.88 percent of the land, with 10,000 Jews and 800,000 Arabs. Jerusalem would be the subject of a special international regime under United Nations supervision. Zionist leaders supported the inclusion of the Negev desert in the future Jewish state, despite the challenging conditions and the necessity for significant investment. Similarly, they opposed the exclusion of Transjordan, arguing that this region was an integral part of the Jewish national heritage under the British Mandate for Palestine. Some Zionist leaders believed that Britain had committed an injustice by separating Transjordan, which was considered essential to Jewish national aspirations.

---

<sup>26</sup> Ibid.

<sup>27</sup> United Nations, *Origins and Evolution of the Palestine Problem: Part II (1947-1977)*, <https://www.un.org/unispal/history2/origins-and-evolution-of-the-palestine-problem/part-ii-1947-1977/> [accessed 22 June 2024]

Furthermore, the resolution designated a coastal area between Ashkelon and Ashdod for the Jewish state, which was not part of the ancient Israelite kingdoms. Included in the territories allocated to the Palestinian Arabs were regions historically associated with the Jewish people, but with less fertility and strategic importance. The allocation of these lands prompted criticism from the Arab Palestinians, who asserted that their economic and social needs had not been sufficiently addressed. Ultimately, the resolution resulted in a complex demographic situation, incorporating approximately 500,000 Arabs into the future Jewish state, including residents of Jaffa, the primary Arab port in Palestine.<sup>28</sup>

The Jewish community accepted the plan, considering it a legal basis for the creation of a Jewish state. The Arab community and neighboring Arab states, however, strongly rejected the plan, arguing that it violated the rights of the Arab majority in Palestine.<sup>29</sup> As a matter of fact, the population distribution was complex, as native Palestinians made up most of the country and Jews were mainly refugees from Europe. Palestine remained largely Arab, with only 5.8 percent of cultivated land in Jewish hands. Jewish settlement favored cities, leaving rural Zionist colonies isolated and often fortified. This made it difficult to create distinct entities with homogeneous populations and made it difficult to find a solution based on partition.<sup>30</sup> The adoption of the UN Partition Plan did not lead to peace. Instead, it triggered violent clashes between Jewish and Arab communities in Palestine. When the British Mandate ended on May 14, 1948, David Ben-Gurion declared the establishment of the State of Israel, leading to the first Arab-Israeli war. The war resulted in the defeat of the Arab forces and the establishment of Israel, but left the Palestinian Arabs without a state, leading to a protracted conflict that persists to this day. The UN Partition Plan remains a significant yet contentious milestone in the history of the Israeli-Palestinian conflict. While it provided a framework for the creation of Israel, it also marked the beginning of a complex and ongoing struggle over land, identity, and sovereignty in the region.<sup>31</sup>

---

<sup>28</sup> Lorenzo Kamel, "Framing the Partition Plan for Palestine," *The Cairo Review of Global Affairs* (2022), <https://www.thecairoreview.com/wp-content/uploads/2022/03/8-cr44-kamel-half-page-lr.pdf> [accessed 22 June 2024].

<sup>29</sup> United Nations, *Origins and Evolution of the Palestine Problem: Part II (1947-1977)*

<sup>30</sup> Pappé, *The Ethnic Cleansing of Palestine*

<sup>31</sup> United Nations, *Origins and Evolution of the Palestine Problem: Part II (1947-1977)*

There are several controversies to analyze because they underscore the injustices in the process that led to the establishment of Israel:

- The lack of expertise and its impact on Resolution 181: in 1947, the newborn United Nations entrusted the issue of Palestine's future to the UNSCOP, which was composed of members who had neither experience in conflict resolution nor a thorough knowledge of Palestinian history. As a result, the resolution completely ignored the ethnic composition of the local population, as Jews received more than half of the land despite being a minority of the population and owning a small percentage of land. The UN accepted the Zionist claims partly as an attempt to compensate Jews for the Holocaust suffered in Europe, but neglected the rights of the indigenous Palestinian population, who saw the partition as unjust and immoral.<sup>32</sup>
- The issue of self-determination: Palestinians felt that partition violated their right as an indigenous population. The Palestinian leadership, historically opposed to partition since 1918, strongly refused to share their land with European settlers. The Arab League and the Arab Higher Committee decided to boycott negotiations with UNSCOP and did not participate in discussions on the implementation of the resolution, thus allowing the Zionist leadership to dialogue directly with the United Nations to plan the future of Palestine without Palestinian participation.<sup>33</sup> The UNSCOP proposal was based on the committee's findings, which recognized a departure from the principle of self-determination in the case of Palestine. They noted that while self-determination was respected for other Arab territories after World War I, it was not applied to Palestine due to the establishment of the Jewish national home under a unique mandate system. This approach, according to UNSCOP, contradicted the principle of self-determination that had been extended elsewhere in the region.
- The non-binding nature of Resolution 181: as a matter of fact, Resolution 181 did not divide Palestine, but proposed a partition plan as a non-binding recommendation. The plan was supposed to be transferred to the Security Council for further deliberation but was never implemented due to lack of consensus. Despite this, it is argued that

---

<sup>32</sup> Pappé, *The Ethnic Cleansing of Palestine*

<sup>33</sup> Ibid.

the UN recommendation gave legal authority to the creation of the State of Israel.<sup>34</sup> This argument is disputed, however, as the United Nations does not have the power to impose political solutions without the consent of the parties involved, as clarified by US Representative Warren Austin to the Security Council:

“The Charter of the United Nations does not empower the Security Council to enforce a political settlement whether it is pursuant to a recommendation of the General Assembly or of the Security Council itself. What this means is this: The Security Council, under the Charter, can take action to prevent aggression against Palestine from outside. The Security Council, by these same powers, can take action to prevent a threat to international peace and security from inside Palestine. But this action must be directed solely to the maintenance of international peace. The Security Council’s action, in other words, is directed to keeping the peace and not to enforcing partition.”<sup>35</sup>

Therefore, it can be said that the creation of Israel did not respect the principle of self-determination of the Palestinians, as recognized by the United Nations itself. Israel then arose unilaterally through armed conflict and the creation of facts on the ground, a process that included massacres and ethnic cleansing of Palestinian villages.

#### **1.2.4 From partition to ethnic cleansing: The legacy of 1948**

The culmination of the British Mandate era in 1948, marked by the UN Partition Plan and the establishment of the State of Israel, represents a critical point that crystallized the patterns of ethnic cleansing. The UN resolution facilitated a process that led to the Nakba, the mass expulsion and displacement of Palestinians. The impact of these violations has had lasting consequences, shaping contemporary geopolitical and humanitarian issues in the region.

---

<sup>34</sup> Hammond, Jeremy R. "The Myth of the U.N. Creation of Israel." *Foreign Policy Journal*, October 26, 2010, <https://www.foreignpolicyjournal.com/2010/10/26/the-myth-of-the-u-n-creation-of-israel/> [accessed 22 June 2024].

<sup>35</sup> United States Department of State. "Memorandum by the President’s Special Assistant (Matthews) to President Truman." *Foreign Relations of the United States, 1948, Volume V, Part 2, Palestine*, <https://history.state.gov/historicaldocuments/frus1948v05p2/d57> [accessed 22 June 2024]

The UN decision, instead of calming the situation, increased tensions and directly caused one of the most violent periods in the country's history, culminating in the first Arab-Israeli war and the beginning of the ethnic cleansing of the Palestinians. The Zionist leadership, led by David Ben-Gurion, formally accepted 1947 UN Resolution 181 on the partition of Palestine but planned to ignore it, exploiting Arab rejection to justify the systematic expulsion of Palestinians. Ben-Gurion, with broad decision-making powers, formed the "Consultancy," an advisory group of politicians and military personnel, to discuss the use of force and ensure a Jewish majority. The strategy aimed to create an expanded Jewish state, with few Palestinians, and to establish Jerusalem as its capital, against the international proposal for a city under special arrangements.<sup>36</sup>

The tensions between Zionists and Palestinians led to a war in 1948. The Zionists seized the right moment to use force and finally create their state, which required the forcible removal and extermination of Palestinian people. The conflict showcased the stark asymmetry in military power, with well-equipped Zionist groups facing poorly armed and disorganized Palestinian resistance. The Zionist military campaigns culminated in what is known as the "ethnic cleansing of Palestine,"<sup>37</sup> a series of organized and pre-planned terrorist acts conducted in 1947 and 1948 to expel the Palestinian population from major areas. This tragic event has been documented by various historians, including Israeli "new historians" who had access to Israeli archival documents. According to historian Ilan Pappé, on March 11, 1948, a group of Zionist leaders and military officers devised a plan for ethnic cleansing, which was followed by military orders to prepare for the actions.<sup>38</sup>

The year 1948 holds significant historical importance for Palestine, as it marked the creation of the State of Israel and the Palestinian catastrophe known as Nakba Day. During this time, more than 750,000 Palestinians were expelled from their homeland, becoming refugees in nearby countries and in the Diaspora. Many towns and villages were destroyed and depopulated, while one-fifth of the remaining Palestinian population in Israel was internally displaced. Following the withdrawal of British forces on May 14, 1948, five Arab armies attempted to fight against Zionist groups but were quickly

---

<sup>36</sup> Pappé, *The Ethnic Cleansing of Palestine*.

<sup>37</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*.

<sup>38</sup> *Ibid.*

defeated. This defeat resulted in the occupation of 77 percent of Mandate Palestine, leading to the establishment of the State of Israel. Nakba Day is annually commemorated as a reminder of the Palestinian catastrophe, while Independence Day is celebrated to mark the creation of Israel. Zionist ideologies were established as the basis and continuity of the Israeli nation with the establishment of the state of Israel in 1948. In particular, the Zionist vision became the guiding principle of the Israeli colonial settlement project. It shaped state-society relations through a broad national consensus around the nationalist and messianic mission of creating Jewish exclusivity.<sup>39</sup>

### **1.3 The Evolution of Occupation and Resistance in Gaza**

The trajectory of Gaza's oppression and resistance is not simply a series of isolated events, but an ongoing process influenced by Israel's strategic control, socioeconomic pressures, and political fragmentation. Thus, this section seeks to understand how different periods of administrative control have contributed to the enduring occupation.

#### **1.3.2 Strategic Control and Socio-Economic Decline**

The Gaza Strip, commonly referred to simply as Gaza, developed as a geographic and political entity through a series of historical developments, especially in the 20th century. Located along the Mediterranean Sea, covering 140 square miles, and situated northeast of the Sinai Peninsula, Gaza is one of the most densely populated areas globally. Despite its distinct geographical and demographic characteristics, Gaza is not officially recognized as a de jure part of any existing country. As of 2017, Gaza's population was recorded at 1,899,291 people. Estimates for 2023 indicate that the population has grown to approximately 2,226,544 individuals. This growth reflects ongoing demographic changes and challenges within the region.<sup>40</sup>

Gaza has historically been a strategic location on the route between Egypt and Syria. It saw various occupations, including by Napoleon in 1799 and later the Ottoman and British armies. Under British control from 1923, Gaza became a significant port, serving the poorer southern part of Palestine and producing agricultural commodities. By 1947,

---

<sup>39</sup> Ibid.

<sup>40</sup> Encyclopaedia Britannica, "Gaza Strip," <https://www.britannica.com/place/Gaza-Strip> [accessed 22 June 2024].

the Jewish population in Palestine had grown significantly, owning 7% of the land. The UN's partition plan proposed Gaza as part of an Arab state. However, the 1948 Arab-Israeli war resulted in the loss of much of this territory, leaving Gaza and surrounding areas under Egyptian administration with a large influx of refugees. By the end of the war, Gaza and the West Bank were the only remaining Arab-controlled areas of Mandatory Palestine, with Gaza housing 26% of the Palestinian population that stayed in the region.<sup>41</sup>

On May 15, 1948, Israel declared its founding, thereby initiating the first Arab-Israeli war, which concluded in January 1949 with the implementation of armistices between Israel and Egypt, Lebanon, Jordan, and Syria. In December 1948, the United Nations General Assembly passed Resolution 194, which asserted the right of Palestinian refugees to return to their homeland. Subsequently, at least 150,000 Palestinians were compelled to reside under military control for nearly two decades before attaining Israeli citizenship. During this period, Egyptian forces assumed control of the Gaza Strip, while Jordanian authorities assumed governance of the West Bank in 1950.<sup>42</sup>

#### *Egyptian Administration: 1948-1967*

Under Egyptian rule, Gaza's economy struggled due to the loss of agricultural land and the closure of its port, leading to 50% unemployment by 1949. The UNRWA began providing essential aid in 1950, establishing camps for refugees. Egyptian policies centralized power in the military, suppressing political activities and imposing strict social and economic constraints. Underground political movements like the Communist Party and Muslim Brotherhood persisted despite restrictions, occasionally provoking Israeli retaliations. After the Suez Canal crisis of 1956, Egyptian policy towards Gaza shifted slightly, leading to brief economic and political relief. Trade resumed, temporarily improving Gaza's economic conditions. Despite these changes, political constraints remained until the early 1960s. Notable developments included the establishment of the Arab Socialist Union branches, allowing some political freedoms and local elections.

---

<sup>41</sup> Roy, Sara. "The Gaza Strip: Critical Effects of the Occupation." *Arab Studies Quarterly* 10, no. 1, 1988: 59-103, <http://www.jstor.org/stable/41857956> [accessed 22 June 2024]

<sup>42</sup> Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide.", *Al Jazeera*, October 9, 2023, <https://www.aljazeera.com/news/2023/10/9/whats-the-israel-palestine-conflict-about-a-simple-guide> [accessed 22 June 2024]

Organizations like the Palestine Student Organization and the General Federation of Trade Unions were permitted, marking a gradual relaxation of restrictions. The formation of the PLO in 1964, supported by Arab nations and Egyptian President Nasir, was a significant Gaza's political milestone.<sup>43</sup>

#### *Israeli Occupation of Gaza: 1967-1985*

After consolidating its colonial state, Israel sought to expand its territory to realize the vision of a "Greater Israel,"<sup>44</sup> seeking to acquire as much territory as possible with a minimal Arab presence. The 1967 war against its Arab neighbors led to a quick victory for Israel and the beginning of a new phase of colonial expansion.<sup>45</sup> On June 5, 1967, Israel occupied the remainder of historic Palestine, the Sinai Peninsula, and the Golan Heights, causing the second forced displacement of Palestinians, known as the Naksa. Following the occupation, Israel initiated settlement construction in the West Bank and Gaza, which has since evolved into a complex system where Jewish settlers benefit from full rights as Israeli citizens, while Palestinians endure discrimination under military rule. This has resulted in a two-tiered society where unequal treatment and lack of autonomy persist for Palestinians living under occupation.<sup>46</sup>

Security Council Resolution 242 in 1967 called for Israeli withdrawal from occupied territories, a just settlement of the refugee problem, and the termination of all claims or states of belligerency.<sup>47</sup> However, this Resolution, which aimed to bring about a just and lasting peace in the Middle East after the Arab-Israeli war, had some limitations that hindered its effectiveness. While it recommended the mediation of Gunnar V. Jarring, his mandate excluded Palestinian representatives, thereby narrowing the scope of the mediation. Although the resolution temporarily alleviated postwar tensions, it failed to address the root causes of the conflict, such as Palestinian rights and territorial disputes, resulting in differing interpretations and a prolonged stalemate. Despite its symbolic

---

<sup>43</sup> Roy, *The Gaza Strip: Critical Effects of the Occupation*

<sup>44</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*

<sup>45</sup> Ibid.

<sup>46</sup> Al Jazeera, *What's the Israel-Palestine Conflict About? A Simple Guide*

<sup>47</sup> United Nations, *Origins and Evolution of the Palestine Problem: Part II (1947-1977)*.

importance, the mediation mechanisms provided by the resolution were unable to adapt to the increasing complexity of the conflict.<sup>48</sup>

Under Prime Minister Levi Eshkol and Defense Minister Moshe Dayan, the Israeli government initially intended to annex Gaza and resettle its refugee population in northern Sinai and the West Bank. Between June and December 1967, around 40,000 people left Gaza for Jordan under Israeli supervision, with an additional 20,000-30,000 emigrating the following year. Plans to grant Israeli citizenship to Gaza's indigenous residents were rejected by local Gazans, leading to significant armed resistance from the Palestine Liberation Army and widespread civil disobedience. In response, Israel imposed direct military rule, dismantled Gaza's municipal council, and placed refugee camps under strict military control.<sup>49</sup>

Since 1967, the Israeli government has pursued a policy of segregation and military administration in the occupied Palestinian territories, regulating nearly every aspect of Palestinian life. The consolidation of military rule has been achieved through the establishment of military courts, which are designed to control the Palestinian population and suppress national aspirations. The Israeli legal system has restricted political and civil rights, criminalized expressions of Palestinian identity, and banned associations and political activism. Military orders allow for the implementation of punitive measures such as curfews, house demolitions, arbitrary detentions, expulsions, and city closures, while land use and zoning facilitate the expropriation of land for the benefit of settlers. The "Civil Administration" was established in the 1980s to enforce these military orders. Economically, Israel has integrated the Palestinian economy into its own, hindering its development through measures like closing Arab financial institutions, imposing Israeli currency, restricting trade, imposing high taxes, and underinvesting in infrastructure. This economic strategy has made the Palestinian market dependent on inferior Israeli products, despite the "open bridges" policy that allowed limited trade with Jordan and Egypt.

---

<sup>48</sup> Dajani, Omar M., "Forty Years without Resolve: Tracing the Influence of Security Council Resolution 242 on the Middle East Peace Process.", *Palestine Studies*, November 2007, <https://www.palestine-studies.org/en/node/41942> [accessed 22 June 2024]

<sup>49</sup> Roy, *The Gaza Strip: Critical Effects of the Occupation*.

Additionally, Israel maintains exclusive control over water resources, creating stark inequality in water distribution and consumption between Israelis and Palestinians.<sup>50</sup>

By the end of 1971, Israel's efforts to suppress resistance included mass arrests, public trials, and the deportation of guerrilla fighters. Israel launched a major offensive against the PLO, destroying homes and displacing nearly 16,000 people to facilitate military control and access. Many displaced residents were relocated to El Arish in northern Sinai and the West Bank, while others had to find their own accommodations within Gaza.<sup>51</sup> During the Israeli occupation of the Gaza from 1972 to 1977, the Israeli army defeated Palestinian forces, but guerrilla warfare continued in the refugee camps. This led to a disconnect between Gaza's traditional elite and the guerrilla fighters. The Israeli-appointed mayor, Rashad al-Shawwa, formed a city council composed of the upper class of Gaza, aiming to restore social and economic order. However, this move sparked controversy among nationalists who saw it as a compromise with the occupier. Shawwa prioritized reviving the citrus industry, establishing export markets, and supporting social and cultural organizations. However, his support for a federation between Gaza, the West Bank, and Jordan alienated the nationalists further. When Shawwa resigned in 1972, the Israeli military government regained control until his return as mayor in 1975, which caused further discontent among Palestinians. This period witnessed tensions between local governance efforts and the nationalist struggle against the Israeli occupation.<sup>52</sup>

The October 1973 Arab-Israeli War, known as the Yom Kippur War to Israelis and October War to Arabs, was initiated by Egypt and Syria to reclaim territories lost in the 1967 Six-Day War. Egypt's alliance with Syria aimed to regain the Sinai Peninsula and Golan Heights from Israel. The war led to a global oil crisis as OPEC nations embargoed the US, demanding Israeli withdrawal from occupied territories. The conflict culminated in the Camp David Accords (1978), brokered by US President Jimmy Carter, where Egypt became the first Arab nation to recognize Israel, securing peace and the return of Sinai.<sup>53</sup> However, the Camp David Accords were perceived as a betrayal and were rejected by

---

<sup>50</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*

<sup>51</sup> Roy, *The Gaza Strip: Critical Effects of the Occupation*

<sup>52</sup> Ibid.

<sup>53</sup> Al Jazeera, "The October 1973 War: How it led to the first Arab recognition of Israel.", *Al Jazeera*, October 6, 2023, <https://www.aljazeera.com/news/2023/10/6/the-october-1973-war-how-it-led-to-the-first-arab-recognition-of-israel> [accessed 22 June 2024]

Palestinians because of uncertainties over key issues such as control of territory, water resources, settlements, and the prohibition on forming a political government. This plan offered Palestinians a choice between Jordanian or Egyptian citizenship, but this option did not catch on among the Gazans. In December 1977, a large protest demonstration was held in Gaza, authorized only once during the Israeli occupation, which highlighted the deep divisions within Gaza society between refugees and the local elite. Subsequently, Israeli authorities imposed restrictions on political activities, banning public assemblies and restricting politicians to the Gaza. In 1981 and 1982, civil disobedience intensified in Gaza due to Israeli measures such as special taxes for professionals, which led to strikes and protests. In response, the Israeli government imposed severe sanctions, such as closing businesses and arresting protesters.<sup>54</sup>

In December 1981, Israel shifted responsibility for non-military functions in Gaza to a civilian administration, such as health and education, as part of its plan for autonomy and possible annexation. However, this met with strong opposition, including a strike led by Mayor Rashad al-Shawwa and the refusal of West Bank mayors to cooperate with the new administration. Because of this resistance, Shawwa was fired, and the Gaza Council was dissolved, returning to Israeli control.<sup>55</sup> At the same time, in June 1982, Israel invaded Lebanon to eliminate the PLO, but despite a cease-fire and the withdrawal of PLO troops from Beirut, a massacre occurred in the Sabra and Shatila camps. In September 1983, the International Conference on the Palestinian Question opposed Israeli settlements and supported the right of all states in the region to exist within secure and recognized borders.<sup>56</sup>

### **1.3.3 The Dynamics of Resistance and Diplomatic Stalemate**

#### *The First Intifada*

The First Intifada, beginning in December 1987, represented a significant shift in Gaza's resistance dynamics. Triggered by a traffic accident involving an Israeli truck and Palestinian workers, the uprising was characterized by widespread civil disobedience and

---

<sup>54</sup> Roy, *The Gaza Strip: Critical Effects of the Occupation*

<sup>55</sup> Ibid.

<sup>56</sup> United Nations, *Origins and Evolution of the Palestine Problem: Part II (1947-1977)*

resistance against Israeli occupation. This period also saw the rise of Hamas, an offshoot of the Egyptian Muslim Brotherhood, which emerged as a significant force in Palestinian politics. Hamas's commitment to armed resistance and the establishment of an Islamic state marked a departure from the secular nationalist approach of the PLO.<sup>57</sup> The Intifada highlighted the deepening disillusionment with both Israeli policies and the limitations of previous political frameworks. Despite international efforts such as the Oslo Accords, which aimed to address some of the underlying issues, the failure to resolve critical issues like settlements and refugee rights underscored the limitations of diplomatic interventions and the persistence of conflict.

#### *The Peace Process and Its Limitations (1993-2000)*

The peace process of the 1990s saw efforts to achieve a peaceful settlement in the Middle East through various diplomatic initiatives. The Madrid Conference in 1991 aimed at facilitating direct negotiations between Israel and Arab States, as well as between Israel and the Palestinians, based on UN Security Council resolutions 242 and 338. This conference also initiated multilateral negotiations on regional issues such as the environment, arms control, refugees, water, and the economy. The 1993 Oslo Accords were pivotal, with Israel and the PLO signing the Declaration of Principles on Interim Self-Government. This accord led to mutual recognition, the partial withdrawal of Israeli forces, elections for the Palestinian Council and Presidency, the partial release of prisoners, and the establishment of a functioning Palestinian administration. However, these accords deferred certain critical issues to permanent status negotiations, which were attempted at Camp David in 2000 and Taba in 2001 but remained inconclusive. As part of the Oslo process, the Palestinian Authority was created, granting Palestinians limited self-governance in Gaza and Jericho in the West Bank. Yasser Arafat, the leader of the PLO, returned to Gaza after decades in exile, marking a significant moment in Palestinian history. The Oslo Accords envisioned achieving Palestinian statehood within five years, but this goal was not realized due to various factors, including continued Israeli settlement expansion in the occupied territories and allegations of breaches in security agreements by both sides.<sup>58</sup> As matter of fact, Israel adopted a strategy to prevent the creation of a

---

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

Palestinian state through the fragmentation and control of the occupied territories. The Palestinian Authority, created as a tool to manage civil affairs, allowed Israel to outsource administrative, economic and security responsibilities while maintaining indirect control over the Palestinian population. The West Bank was divided into three areas, with only Area A under PA control and Area C, representing 62 percent of the West Bank, completely controlled by Israel. This strategy created an apartheid situation, with restrictions on movement and continued expropriations and collective punishment against Palestinians. The Oslo Accords, initially considered a path to peace, allowed Israel to consolidate its colonial rule without respect for Palestinian rights.<sup>59</sup>

### **1.3.4 Blockade and Humanitarian Crisis**

#### *The Second Intifada and the Imposition of the Blockade: 2000-Present*

By late 2000, failed negotiations between the Palestinian Authority and Israel sparked the Second Intifada, marked by intensified violence including suicide bombings by Palestinians and Israeli military responses such as air strikes, demolitions, and restrictions. In response, Israeli Prime Minister Ariel Sharon implemented a disengagement plan in 2005, withdrawing settlers and troops from Gaza while retaining control over its borders and airspace. The 2006 Palestinian parliamentary elections saw Hamas win a decisive victory over Fatah, resulting in international sanctions due to Hamas's refusal to recognize Israel and its history of terrorist activities. Internal tensions between Hamas and Fatah escalated, leading to Hamas seizing control of Gaza in 2007.<sup>60</sup>

The Gaza has been subjected to a comprehensive blockade by Israel since 2007, which restricts access to the territory by land, sea, and air. This blockade has a major impact on the 1.9 million Palestinians. In fact, it functions as a form of collective punishment, severely restricting the movement of people and goods, both within the Palestinian territories and abroad. This has resulted in devastating consequences, including Palestinian casualties and extensive destruction of infrastructure such as neighborhoods, schools, and hospitals. As a result of Israeli military actions and the blockade, Gaza faces a severe humanitarian crisis characterized by deteriorating socioeconomic conditions. A

---

<sup>59</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*

<sup>60</sup> Encyclopaedia Britannica, *Gaza Strip*

significant portion of the population relies on humanitarian aid, unemployment is exceptionally high at 43 percent, and food insecurity affects over 72 percent of households. The closure of factories and workshops, restricted access to agricultural land, and limited fishing opportunities have crippled Gaza's economy, pushing it towards collapse. Furthermore, the division between Gaza and the West Bank, along with differing Israeli policies towards these areas has exacerbated economic inequality and complicated efforts for Palestinian unity and stability.<sup>61</sup>

Despite attempts at negotiations and UN resolutions, Israel's violence on Gaza has continued over the years. In November 2012, Israel launched airstrikes on Gaza in response to Hamas rocket attacks. This led to an escalation of hostilities, which continued until a ceasefire was brokered on November 21. In June 2014, tensions escalated after the abduction of three Israeli teenagers, prompting a 50-day Israeli attack. This conflict resulted in about 2,100 Palestinian deaths and more than 70 Israelis, with significant destruction in Gaza. In spring 2018, protests along the Israel-Gaza border, including attempts to breach the border, were met with lethal force by Israeli troops. The peak of violence occurred when about 40,000 Gazans participated in the protests and attempted to cross the border, Israeli forces opened fire, resulting in about 60 deaths and 2,700 injuries. After a period of escalating violence between Israel and Hamas in 2018, Israel took steps to ease the blockade and promote a sustainable cessation of hostilities. Despite continued clashes and Egyptian efforts to broker a lasting truce, Israel and Hamas reached truce agreements in 2019 and 2020. In May 2021, tensions in Jerusalem erupted following the eviction of Palestinian residents in Sheikh Jarrah. Clashes between Israeli police and Palestinian protesters reignited tensions over Gaza.<sup>62</sup> The situation remained tense, with a notable intensification from October 2023 onwards, as will be discussed in the following paragraphs.

#### **1.4 Recent Developments and Their Historical Context**

The escalation of violence between Israel and Hamas began on October 7, 2023. To comprehend this context, it is imperative to recognize the impact of colonial legacies on

---

<sup>61</sup> Dana and Jarbawi, *A Century of Settler Colonialism in Palestine*

<sup>62</sup> Encyclopaedia Britannica, *Gaza Strip*

the present circumstances. The origins of this situation can be traced back to the colonial interventions and geopolitical interests of the early 20th century. The Balfour Declaration of 1917, which was supported by British colonial policies, led to the creation of the State of Israel in a land that was inhabited by Palestinians. Over the course of the following 75 years, the Palestinian people have been denied their rights to exist as a people in their homeland. In accordance with international law, the actions of Israel, with the approval of the United States and the European Union, constitute an act of genocide. From this emerges a larger historical pattern of unresolved injustice and the lingering effects of oppressive historical decisions.

#### **1.4.1 The Gaza War**

This section provides a broad overview of the war since October 7 between Israel and Hamas. The war has escalated into a genocide that continues to this day as I write this thesis. As an “objective” source, I will use a report by the Independent International Commission of Inquiry. It analyzes more than 30 significant massacres to understand the broader patterns of Israeli military action during the campaign. A variety of sources, including eyewitness accounts, visual evidence, and military analysis, were used to assess the impact of the bombings and ground operations on Gaza's population and infrastructure. However, given the evolving nature of the genocide, this analysis shows limitations in terms of the Commission's investigation due to the Israeli government's denial.

##### *Acts Committed by Hamas*

On October 7, 2023, more than 1,000 members of Hamas and other Palestinian armed groups launched a coordinated attack on civilian areas and military bases in southern Israel. The attack left more than 1,200 people dead, including 809 civilians and 314 Israeli military personnel, and 14,970 wounded. 252 people, including women, children, the elderly and Israeli security personnel, were abducted and taken to Gaza. As of May 2024, 128 hostages had been freed or rescued, while 128 remain in captivity. Hamas and Palestinian Islamic Jihad (PIJ) have publicly claimed responsibility for targeting civilian

locations. About 150,000 people were evacuated from southern Israel on Oct. 7 and after, and most are still displaced as of April 2024.<sup>63</sup>

During the conflict, there were numerous violent attacks in Be'eri and Nir Oz, where many homes were burned, and residents killed or kidnapped. At the Nova Music Festival, 364 participants were killed and about 40 kidnapped. On Zikim Beach, at least 18 civilians, including five teenagers, were killed with grenades and indiscriminate gunfire.<sup>64</sup>

### *Acts Committed by Israel*

On October 7, Israel launched air strikes on Gaza and the next day began the military operation "Swords of Iron" to target Hamas and free hostages. The operation lasted six weeks and included an air campaign followed by ground operations. During this campaign, Israel heavily shelled civilian areas, causing high casualties and destruction. By May 2024, more than 34,800 Palestinians had been killed. Notably, Israel forcibly displaced at least 1.7 million Palestinians, and the fatalities from this conflict far exceeded previous hostilities. The commission observed a higher proportion of women and children among the casualties due to the use of explosive weapons in populated areas. Israeli officials' statements suggested a shift in targeting strategy, indicating a less discriminative approach to airstrikes. Nevertheless, the application of the "Dahya doctrine" in Gaza resulted in large-scale attacks on civilian targets, often without clear military objectives. Indeed, there are numerous documented attacks on aid agencies, convoys, and shelters. IDF ground forces have also reportedly killed civilians who posed no threat, including those holding white flags while seeking refuge.<sup>65</sup>

On 9 October, Israel announced a complete siege, cutting off vital resources. In mid-October, vital services such as water desalination plants and the Gaza power plant were

---

<sup>63</sup> Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, "Detailed findings on attacks carried out on and after 7 October 2023 in Israel", *Human Rights Council*, 10 June 2024, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-3.pdf> [accessed 22 June 2024]

<sup>64</sup> *Ibid.*

<sup>65</sup> Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, "Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023.", *Human Rights Council*, 10 June 2024, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-4.pdf> [accessed 22 June 2024]

shut down. The blockade of Kerem Shalom, the main entry point for goods, has exacerbated the crisis, with only little aid allowed after intense international pressure. The blockade has led to severe food insecurity, with over 90 % of Gaza's population victimized. Israeli Defense Minister Yoav Gallant described the siege as retributive, aiming to deprive Gaza of all essentials. The International Court of Justice has ordered Israel to provide humanitarian assistance, which has been largely ignored, resulting in continued attacks on humanitarian convoys. Vulnerable groups have been disproportionately affected, facing malnutrition, infectious diseases, and lack of access to needed health care. Women and girls face gender-based harms and increased domestic control, impacting their health and autonomy.<sup>66</sup>

The Israel Defense Forces issued more than 80 evacuation orders between October 7 and December 30, 2023. These orders advised civilians to move to areas called “humanitarian aid zones” for their safety, effectively implying that these areas were safe zones with corresponding legal protection. The Commission assessed various aspects of the evacuations, including information dissemination, feasibility and voluntariness of evacuation, security concerns, and the possibility of return given the extensive damage in Gaza. Statements by Israeli officials indicating their intention to forcibly relocate Palestinians were also documented. Evacuation orders were often unclear and included insufficient time for safe evacuation and a lack of transportation and inadequate attention to vulnerable people.<sup>67</sup>

Despite designating areas like Rafah and Khan Younis as safe zones, IDF continued attacks on these locations. Therefore, this extensive destruction in evacuated areas has left many families homeless and forced to continually move. Israeli officials have made dehumanizing statements, painting all Palestinians in Gaza as Hamas militants or supporters, speaking of a second Nakba, and proposing the relocation of civilians from Gaza to reestablish Israeli settlements. These statements can be linked to violations of international law, including war crimes.<sup>68</sup>

---

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

## CHAPTER II

### 2. Genocide and Dehumanization

This chapter explores the role of dehumanization in the Gaza War, focusing on its role in facilitating acts of genocide. By defining dehumanization and explaining its role in genocide, the chapter aims to clarify how hate propaganda can dehumanize target groups, making societies more acceptable to extreme violence.

Through theoretical frameworks, including dehumanization theory, Orientalism and Fanon's postcolonial perspective, the chapter delves into the psychological concepts behind dehumanization, revealing how and why it occurs. It highlights the normalization of Israeli genocidal rhetoric through statements by public officials and connects this rhetoric to the broader historical and cultural framework of Orientalism, as discussed by Edward Said. This section suggests that the dehumanization of Palestinians is part of a long-standing pattern of thinking rooted in colonial ambitions and policies.

The second part identifies the effects of dehumanization in practice. It focuses on how genocidal language is normalized in Israeli public discourse through specific examples of statements by Israeli officials. This is followed by a presentation of historical cases of genocidal violence, which illustrate the pitfalls of this rhetoric. This analysis aims to show that the dehumanization of Palestinians is not an isolated event, but part of a long-standing pattern of thinking that categorizes Palestinians as inferior and therefore deserving of violence.

The persistence of stereotypes in Israeli policy has led to numerous human rights violations and dehumanizing acts against Palestinians. This pattern reveals systematic abuse and raises the question of whether dehumanizing language can lead to acts of genocidal cruelty. Three specific human rights violations are analyzed: the use of hunger as a weapon, violations of Palestinian women's reproductive rights, and the systematic abuse and torture of Palestinian detainees. These violations perpetrated by Israel not only constitute violations of international law but also serve to dehumanize the Palestinian

population, reducing them to mere objects of war rather than recognizing their inherent dignity and rights.

By providing a comprehensive analysis of the mechanisms of dehumanization and their historical roots, this chapter lays the groundwork for understanding the international response to atrocities over Gaza. It emphasizes the need to address the impact of colonial history on current policies and the pursuit of justice, setting the stage for the next chapter's examination of the role of international law in addressing dehumanization and potential genocide in Gaza.

## 2.1 Definition and Role of Dehumanization in Genocide

The term "genocide"<sup>69</sup> was coined by Polish jurist Raphael Lemkin in 1944, combining the Greek prefix "genos"<sup>70</sup> (race or tribe) and the Latin suffix "cide"<sup>71</sup> (killing). It emerged in response to Nazi policies of systematic extermination during the Holocaust and similar historical events. Approved as a crime under international law by the United Nations General Assembly in 1946, it was codified in the Genocide Convention of 1948, ratified by 153 countries. The Convention defines genocide as "acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group"<sup>72</sup>. These acts are defined as including the killing of individuals, causing serious bodily or mental harm, imposing intolerable living conditions, preventing births within the group, and the forcible transfer of children. It is important to emphasize that genocide requires proof of specific intent to destroy a protected group, as distinct from cultural destruction or mere expulsion. The intent, referred to as "dolus specialis,"<sup>73</sup> can be associated with state or organizational plans. Genocide targets explicitly individuals based on their group affiliation, except political groups, and can impact a significant and identifiable portion of the group. This legal framework not only defines genocide but also seeks to prevent such atrocities and hold the responsible parties accountable under international and national laws.<sup>74</sup>

---

<sup>69</sup> United Nations, "Genocide", <https://www.un.org/en/genocideprevention/genocide.shtml>

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

Lemkin posits that the essence of the concept of genocide transcends the simple act of violence against individuals. He asserts that the underlying objective is annihilating the larger group to which the individuals belong. He explained that: “the term [genocide] does not necessarily signify mass killings. More often...the end may be accomplished by the forced disintegration of political and social institutions, of the culture of the people, of their language, their national feelings, and their religion. It may be accomplished by wiping out all basis of personal security, liberty, health, and dignity. When these means fail, the machine gun can always be utilized as a last resort.”<sup>75</sup>

Gregory Stanton’s “Ten Stages of Genocide”<sup>76</sup> model describes the predictable processes that precede genocide, not in a linear fashion but interconnected like Russian dolls. It begins with classification, where people are categorized by ethnicity, race, religion or nationality, followed by symbolization through the assignment of symbols to these categories, which can lead to dehumanization if fueled by hatred. Discrimination follows, with the denial of rights through discriminatory laws and the use of political power. Dehumanization denies the humanity of a group, facilitating acceptance of extreme violence through hate propaganda and media. Subsequent stages include organizing, polarization, preparation, and persecution, culminating in extermination, marked by the systematic and widespread murder of the civilian population.<sup>77</sup>

Dehumanization is the stage that interests us most as it marks a critical point in the progression toward genocide. This stage involves the denial of a group's humanity, comparing its members to animals, vermin, or disease, which facilitates the acceptance of extreme violence that would normally provoke human aversion to murder. Hate propaganda, spread through various media such as print, radio, and social platforms, along with school textbooks, plays a key role in this process. It incites violence against the targeted minority group and indoctrinates individuals to perceive them as subhuman threats to society. This extreme depersonalization reduces victims to mere numbers associated with filth and immorality, establishing psychological justification for the

---

<sup>75</sup> Anthony Patton, "The Israel-Palestine Conflict: History, Causes, and International Law", World Without Genocide, [https://worldwithoutgenocide.org/genocides-and-conflicts/israel-palestine-conflict-history-causes-and-international-law#\\_ftn28](https://worldwithoutgenocide.org/genocides-and-conflicts/israel-palestine-conflict-history-causes-and-international-law#_ftn28)

<sup>76</sup> Dr. Gregory H. Stanton, "Ten Stages of Genocide," *Genocide Watch*, 1996, <https://www.genocidewatch.com/tenstages>

<sup>77</sup> Ibid.

perpetration of atrocities. Dehumanization thus serves as a critical precursor to genocide, systematically setting the stage for brutal treatment and elimination of the targeted group.<sup>78</sup>

## 2.2 Theoretical Frameworks

Understanding the mechanisms of dehumanization requires a nuanced theoretical framework that addresses the intersection of psychological, historical, and socio-political factors. Dehumanization, as a multifaceted concept, is central to numerous forms of systemic violence and oppression, including genocide, colonization, and slavery. These historical examples illustrate how those in power have used dehumanization to justify extreme violence and control over subjugated populations, perceiving them as sub-human.

This section will delve into several key theoretical frameworks that illuminate the processes and impacts of dehumanization. First, we will examine the concept of dehumanization itself, focusing on how psychological essentialism and hierarchical thinking contribute to viewing certain groups as inherently inferior. Next, we will explore the influence of Orientalism, particularly how Western constructions of the "Orient" as barbaric and inferior have historically justified colonial and imperial practices. Finally, we will apply Frantz Fanon's postcolonial perspective to analyze how these frameworks manifest in contemporary contexts, such as the Palestinian's dehumanization by Zionism, highlighting how systemic dehumanization operates within modern socio-political structures.

### 2.2.2 Dehumanization Theory

Dehumanization can be defined as a concept that focuses on viewing others in a way that suggests they lack the full human essence and are driven by two influential psychological trends: essentialism and hierarchal thinking.<sup>79</sup> Psychological essentialism involves the categorization of the world into "natural types," where entities are defined by internal, unobservable essences that determine their membership in specific categories. This view

---

<sup>78</sup> Ibid.

<sup>79</sup> David Livingstone Smith, "Dehumanization, Humiliation, and Cruelty," *CGC International*, January 13, 2024, <https://cgcinternational.co.in/dehumanization-humiliation-and-cruelty/>

allows human beings to perceive others as possessing an essence that is inherently inferior to complete humanity, justifying their treatment as subhuman. Hierarchical thinking serves to reinforce the notion of psychological essentialism by establishing a value-based hierarchy among the various natural types. Entities at the pinnacle of this hierarchy are accorded the highest value, while those at the lowest rung are regarded as inferior. This hierarchical worldview persists in contemporary language and evaluations, often employing terms such as "superior" and "inferior" to denote positions within the hierarchy.<sup>80</sup>

Together, these psychological concepts elucidate the psychological plausibility of dehumanization. This occurs when others are ascribed an essence akin to entities of lower rank than humans in the natural hierarchy. This logic underlies the justification for inhumane treatment and denial of human rights to certain groups, as evidenced by historical atrocities in which entire populations were dehumanized and collectively targeted. Moreover, dehumanization is a phenomenon that extends beyond mere psychological processes; it is intertwined with the socio-political contexts and authoritative narratives that perpetuate and justify such categorizations. To fully comprehend dehumanization, it is essential to examine how social forces and hierarchical thinking intersect to construct and reinforce perceptions of human worth and hierarchy, which profoundly influence intergroup relations and ethical considerations in society.<sup>81</sup>

Based on David Livingstone Smith's definition: "We dehumanize others when we conceive of them as subhuman creatures. These creatures might be nonhuman animals such as lice, rats, snakes, or wolves, or they might be fictional or supernatural beings such as demons or monsters. But in all cases, they are (...) "beneath" the human, even if, as is often the case, they are thought to possess greater-than-human powers."<sup>82</sup> The concept of "subhuman" is a fundamental element of the dehumanization process. An explicit example can be found in the 1942 Nazi publication entitled "The Subhuman," edited by Himmler and published under the auspices of the SS. The publication was designed to

---

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> David Livingstone Smith, *Making Monsters: The Uncanny Power of Dehumanization*, JDDavisPoet, November 12, 2023, <https://www.jddavispoet.com/book-reviews/making-monsters-the-uncanny-power-of-dehumanization-david-livingstone-smith>

educate the German public about the supposed threat posed by a number of groups, including "mulattos" and Finnish-Asian barbarians, Gypsies, and black-skinned savages, all of whom were referred to as "bestial creatures in human form." In addition to these, Jews were also singled out, with the subhuman being described as a biological creature with some superficial human characteristics, but inferior spiritually and psychologically even to animals. The destructive nature and primitive passions of the subhuman are emphasized, with the publication portraying it as a mortal enemy of the human species.<sup>83</sup>

### 2.2.3 Orientalism and its Impact on Palestinian dehumanization

The narratives presented in the media and espoused by Israeli authorities portray the Palestinians as a violent and uncivilised people. This perception is part of a broader historical context in which Western powers have constructed an "us" versus "them" dichotomy, portraying the East as inferior and barbaric. These perceptions have been cultivated for centuries and have been used by Western powers to justify colonial and imperial efforts.<sup>84</sup> This has led to the development of the four-stage paradigm of social progress, which was proposed by 18th-century Scottish thinkers such as Adam Smith and John Millar. This paradigm posits that social development passes through four stages: hunting (savagery), pastoralism (barbarism), agriculture (civilization) and commercial society (contemporary Europe).<sup>85</sup> This dichotomy between barbarism and civilization is at the heart of Edward Said's "Orientalism," which analyzes how Western scholars have distorted and biased representations of the Middle East. Beginning with Napoleon's invasion of Egypt in 1798, Said shows how Orientalist writings and ideologies actively influence the world they describe. These representations perpetuated the image of Middle Eastern peoples as inferior, subservient, and in need of salvation. These stereotypes, often racist, construct a worldview that justifies Western colonialism and imperialism.<sup>86</sup>

---

<sup>83</sup> Livingstone Smith, *Less Than Human: Why We Demean, Enslave, and Exterminate Others*, pp.151-152.

<sup>84</sup> Elizabeth Vibert, "How Colonialist Depictions of Palestinians Feed Western Ideas of Eastern 'Barbarism'," *The Conversation*, November 16, 2023, <https://theconversation.com/how-colonialist-depictions-of-palestinians-feed-western-ideas-of-eastern-barbarism-217513>

<sup>85</sup> Voltaire Foundation, "The Scottish Enlightenment Four Stages Theory: A (Re-)Introduction," *Voltaire Foundation Blog*, March 1, 2017, <https://voltairefoundation.wordpress.com/2017/03/01/the-scottish-enlightenment-four-stages-theory-a-re-introduction/>

<sup>86</sup> Cyma Hibri, "Orientalism: Edward Said's Groundbreaking Book Explained," *The Conversation*, February 12, 2023, <https://theconversation.com/orientalism-edward-saids-groundbreaking-book-explained-197429>

The discourses cited in the previous paragraph show a pattern of dehumanizing Palestinians and portraying them as a primordial threat. Said highlights how perceptions of Semitic peoples, including Arabs and Jews, have been oversimplified and stereotyped. This orientation is evident in European anti-Semitic writings such as "The Protocols of the Elders of Zion"<sup>87</sup> and in Chaim Weizmann's remarks to Arthur Balfour in 1918. Weizmann characterizes Arabs as worshippers of power and success and portrays them as traitors in need of constant British supervision. These views reflect the Orientalist mindset that perceives Semites as inherently lacking the positive qualities attributed to Europeans. In his remarks, Weizmann intensifies Orientalist stereotypes by describing Arabs as arrogant in response to fair treatment by the British, suggesting that Arab behavior is solely influenced by power and domination. He also dismisses the possibility of an Arab Palestine, stating that the rural Arab (fellah) is centuries behind, and that the urban Arab (effendi) is dishonest, ignorant, greedy, and unpatriotic.<sup>88</sup> This portrayal undermines the legitimacy of Arab claims to national identity, presenting them as inherently flawed and incapable of self-government. In examining the self-perpetuating cycle of Orientalist prejudices, it is evident that the rhetoric employed to describe Palestinians as "human animals" or "monsters" is indicative of Said's analysis. The use of these terms not only denigrates their humanity but also serves to justify violence and repression against them. As a result, this perpetuates the notion that extreme measures are necessary to control a group that is perceived as inherently violent and inferior.

The dehumanization of Palestinians is also evident in contemporary Israeli policies, which are profoundly influenced by Orientalist perspectives. These perspectives, as described by Edward Said, categorize Arabs into two distinct groups: the *good* and the *bad*. The "good"<sup>89</sup> Arabs are those who align with Western values and interests, while the "bad"<sup>90</sup> Arabs are those who are seen as a threat to these values and interests. Israel's legal system reflects this dichotomy, offering Jews full civil rights and immigration privileges, while the indigenous Arab population receives fewer rights and is perceived as less developed. This legal inequality, a stark injustice, perpetuates the notion that Arabs are

---

<sup>87</sup> Edward W. Said, *Orientalism*, 1st ed. Penguin Classics, 2003, p. 306.

<sup>88</sup> *Ibid*, pp. 306-310.

<sup>89</sup> *Ibid*, pp. 306-307.

<sup>90</sup> *Ibid*, pp. 306-307.

innately inferior and in need of control. To illustrate this point, Said cites the pervasive stereotype that Arabs are inherently violent and unbalanced, a belief perpetuated not only by literary works but also by state policies.<sup>91</sup> This mutual reinforcement creates a cycle of prejudice that is self-reinforcing and generates a spiral of racial hatred.

It is crucial to recognize how these dehumanizing stereotypes materialize in real-life situations, particularly the impact on the Palestinian community. In 2003, a study from the Hebrew University of Jerusalem found that Israeli textbooks often show Arabs stereotypically and negatively. They are often depicted as criminals and as a burden on the state. The study also found that positive representations of Arabs, such as children, doctors, teachers, and engineers, are scarce.<sup>92</sup> This negative portrayal contributes to a hostile and dehumanizing view of Palestinians, which can lead to discrimination and violence against them. As a result, in May 2024, Israeli settlers at the Tarqumiya checkpoint in the occupied West Bank obstructed and damaged Palestinian trucks carrying aid for Gaza, hindering the delivery of humanitarian supplies to the people of Gaza. During the attack, the settlers hurled stones, damaged windshields, punctured tires, and set fire to at least one vehicle. According to reports from the drivers, Israeli soldiers who were present did not intervene to halt the assault.<sup>93</sup> The distressing images of the attack quickly spread online, causing international shock and condemnation, enough that the act was labeled "barbaric."<sup>94</sup>

#### 2.2.4 Postcolonial Perspective

Frantz Fanon's seminal work, *The Wretched of the Earth*, provides profound insights into the dynamics of racism and dehumanization in colonial and postcolonial contexts. Fanon's analysis of the persistence of colonial mentalities offers a valuable framework for understanding the dehumanization of Palestinians, particularly within the context of Zionism and its implications.

---

<sup>91</sup> Ibid, pp. 306-307.

<sup>92</sup> McGreal, "The language being used to describe Palestinians is genocidal", *The Guardian*, 2023

<sup>93</sup> Lorenzo Tondo, Sufian Taha, and Jason Burke, "'Barbaric': Palestinian Lorry Drivers Recount Settlers' Attack on Gaza Aid Convoy", *The Guardian*, 16 May 2024, <https://www.theguardian.com/world/article/2024/may/16/palestinian-lorry-drivers-israeli-settlers-attack-gaza-aid-convoy>

<sup>94</sup> Ibid.

Fanon's concept of "defensive racism,"<sup>95</sup> which stems from insecurity rather than a genuine belief in racial superiority, can be instrumental in analyzing how Palestinians are dehumanized. In the case of Israel, this defensive racism manifests itself in the systematic dehumanization of Palestinians through Israeli policies and practices: they often reduce Palestinians to mere obstacles or threats, depriving them of their individual and collective humanity. This is evident in the portrayal of Palestinians in the Israeli media, in the language used by Israeli political leaders, and in the implementation of restrictive and demeaning policies. This dehumanization concerns not only the denial of Palestinian identity but also the reinforcement of a narrative of fear and threat that justifies discriminatory practices. For example, the portrayal of Palestinians as inherently violent or as perpetual security threats serve to rationalize harsh security measures and military actions that further marginalize and oppress them. This is in line with Fanon's view of racism as a mechanism to maintain control and justify oppression.<sup>96</sup>

The most apparent example describing Israel as a state based on racism is found in the 1975 UN General Assembly Resolution 3379, which recognized Zionism as a form of racism.<sup>97</sup> This resolution reflected a critical perspective on how Zionism, as an ideology, works to justify the systemic oppression and dehumanization of Palestinians. The resolution pointed out that the principles of racial purity and segregation inherent in Zionism perpetuate a regime of dispossession and exclusion.<sup>98</sup> Indeed, the ideology's focus on creating and maintaining a Jewish state has led to the systematic denial of Palestinians' rights, including their right to self-determination, land, and citizenship. This ideology justifies the segregation of populations and the imposition of discriminatory policies that align with Fanon's concept of dehumanization, where the oppressed are reduced to objects of suspicion and control rather than beings with full rights and dignity.

### **2.3 Case Studies: Dehumanization in Practice**

Dehumanization, defined as the act of stripping a group of their humanity and likening them to objects or animals, has been a pivotal factor in several of history's most abhorrent

---

<sup>95</sup> Fanon, Frantz, *The Wretched of the Earth*, Translated by Constance Farrington, Penguin Classics, 2001.

<sup>96</sup> Ibid.

<sup>97</sup> Erakat, Noura, Darryl Li, and John Reynolds. "Race, Palestine, and International Law." *AJIL Unbound* 117 (2023): 77–81

<sup>98</sup> Ibid.

atrocities. A troubling normalization of dehumanizing language has been observed in statements made by Israeli officials towards Palestinians. Terms such as "human animals" and "monsters" evoke historical genocidal rhetoric.

Dehumanization has a historical precedent in facilitating mass violence. The Holocaust, for instance, employed propaganda to portray Jews as subhuman, thereby justifying their extermination. Similarly, in the 1994 Rwandan genocide, media propaganda dehumanized Tutsis, leading to widespread violence. This section examines how dehumanization operates and its impact, highlighting the dangerous role of language and propaganda in perpetuating violence and justifying inhumane actions.

### **2.3.2 Genocidal Israeli Rhetoric**

A normalization of inflammatory and extremist rhetoric has emerged within Israeli society, which is now accepted at all levels. The atrocities committed by Hamas on October 7 served to amplify this rhetoric that had previously existed in the public consciousness. This normalization has created an environment in which genocidal language is increasingly accepted and widespread. The use of language is important and can have a profound impact. In an article by Chris McGreal, he highlights the dangerous consequences of language used by Israeli authorities to describe Palestinians is genocidal, drawing parallels with the genocide in Rwanda. "Those who led and carried out the Rwandan genocide often cast it in the language of Tutsis as outsiders and interlopers, and the killing as an act of self-defense. If we don't do it to them, they will do it to us"<sup>99</sup>, McGreal reflects on his experience as a reporter of the Rwandan genocide, noting similarities in the justifications for violence. This rhetoric was designed to dehumanize and vilify the Tutsis, a strategy that bears resemblance to the language employed by some Israeli leaders and supporters when addressing the Palestinians.

As a result, the Law for Palestine organization has compiled a database containing more than 500 documented instances of incitement to violence and genocide by Israeli officials, public figures, and high-level decision makers. These include direct examples of

---

<sup>99</sup> McGreal, "The language being used to describe Palestinians is genocidal", *The Guardian*, October 16, 2023, <https://www.theguardian.com/commentisfree/2023/oct/16/the-language-being-used-to-describe-palestinians-is-genocidal>

incitement from President Isaac Herzog, Prime Minister Benjamin Netanyahu, and other far-right government ministers. Among the documented statements are threats of genocide and ethnic cleansing. Furthermore, Israeli Prime Minister Benjamin Netanyahu has employed religious rhetoric to dehumanize Palestinians, while Israeli military personnel have been accused of genocidal intent and collective punishment against the Gaza Strip.<sup>100</sup>

On October 7, 2023, an Israeli journalist and radio host, David Mizrahy Verthaim, called for a disproportionate response to the Hamas attack. His words on X: “We need a disproportionate response. (...) If all prisoners are not returned immediately, turn the strip into a slaughterhouse.”<sup>101</sup>

On October 9, 2023, Israel’s Defense Minister Yoav Gallant announced that he had ordered a “complete siege” of the Gaza Strip. His words, “I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything will be closed.” He added, “We are fighting human animals and we are acting accordingly.”<sup>102</sup> Similarly, Major General Ghassan Alian, head of the Coordination of Government Activities in the Territories (COGAT), stated, “Human animals must be treated as such. There will be no electricity or water [in Gaza], there will only be destruction. You wanted hell, you will get hell.”<sup>103</sup>

On Oct. 13, 2023, Israeli President Isaac Herzog said, “We are working, operating militarily in terms according to the rules of international law, period. Unequivocally. It is a whole nation out there that is responsible. It's not true this rhetoric about civilians not aware, not involved. It is absolutely not true. They could have rebelled, they could have

---

<sup>100</sup> Law for Palestine, "Law for Palestine Releases Database with 500+ Instances of Israeli Incitement to Genocide – Continuously Updated", *Law for Palestine*, January 4, 2024, <https://law4palestine.org/law-for-palestine-releases-database-with-500-instances-of-israeli-incitement-to-genocide-continuously-updated/>

<sup>101</sup> David Verthaim, tweet, 7 October 2023, <https://twitter.com/dverthaim/status/1710684531114602891?s=48>

<sup>102</sup> Emanuel Fabian, “Defense minister announces "complete siege" of Gaza: No power, food or fuel,” *The Times of Israel*, 9 October 2023, [https://www.timesofisrael.com/liveblog\\_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/](https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/)

<sup>103</sup> “The Situation in Israel and Gaza: Legal Analysis by Eminent Professors,” *ReliefWeb*, posted 31 October 2023, <https://reliefweb.int/report/occupied-palestinian-territory/situation-israel-and-gaza-legal-analysis-eminant-professors>

fought against that evil regime that took over Gaza in a coup. But we are at war, we are defending our homes (...) and we will fight until we break their backbone.”<sup>104</sup>

On Oct. 16, 2023, Prime Minister Benjamin Netanyahu said, “This is a fight between the children of light and the children of darkness, between humanity and the law of the jungle.”<sup>105</sup>

On December 24, 2023, Prime Minister Benjamin Netanyahu said, “We are facing monsters, monsters who killed children in front of their parents and parents in front of their children, who raped and beheaded women, who burned children alive, who took children hostage. This is a battle, not only of Israel against these barbarians, it is a battle of civilization against barbarism.”<sup>106</sup>

In an official video statement, Benjamin Netanyahu used a biblical metaphor referring to the enemy of Israel (Amalek), which was widely perceived as a genocidal call to eliminate Gaza. He stated, “You must remember what Amalek did to you, says our Holy Bible—we remember.”<sup>107</sup> He quoted 1 Samuel 15:3 in reference to the verse’s command for the total destruction of Amalek: “Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass.”<sup>108</sup>

Some Israeli politicians have made statements about the Nakba that have been the subject of considerable controversy. These statements have led to questions about the willingness of some Israeli politicians to repeat the events of the Nakba. Nissim Vaturi proposed the expulsion of all Palestinians and urged the Egyptians to accept them as refugees. Ariel Kallner proposed that Nakba Day should be regarded as the Israeli equivalent of Pearl

---

<sup>104</sup> Rageh Omaar and Jessica Omari, “Israeli president Isaac Herzog says Gazans could have risen up to fight ‘evil’ Hamas,” *ITV News*, 13 October 2023, <https://www.itv.com/news/2023-10-13/israeli-president-says-gazans-could-have-risen-up-to-fight-hamas>

<sup>105</sup> Benjamin Netanyahu, “Excerpt from PM Netanyahu's remarks at the opening of the Winter Assembly of the 25th Knesset's Second Session,” *Ministry of Foreign Affairs*, 16 October 2023, <https://www.gov.il/en/pages/excerpt-from-pm-netanyahu-s-remarks-at-the-opening-of-the-knesset-s-winter-assembly-16-oct-2023>

<sup>106</sup> Benjamin Netanyahu, “Christmas message from PM Netanyahu,” *Ministry of Foreign Affairs*, 24 December 2023, <https://www.gov.il/en/pages/christmas-message-from-pm-netanyahu-24-dec-2023>

<sup>107</sup> Jessica Buxbaum, “Erase Gaza: How genocidal rhetoric became normalised in Israel,” *The New Arab*, 30 November 2023, <https://www.newarab.com/analysis/erase-gaza-how-genocidal-rhetoric-normalised-israel>

<sup>108</sup> Michael Tracey, tweet, 28 October 2023, <https://twitter.com/mtracey/status/1718360354764238929>

Harbor. Yinon Magal asserted that the time had come for a second Nakba and expressed his desire to destroy Gaza as a bombed-out neighborhood. Minister Amichai Eliyahu proposed the use of a nuclear weapon on Gaza as a potential strategy for Israel, although he later clarified that this was only a metaphor.<sup>109</sup> A comparable sentiment was espoused by Dror Eydar, former Israeli ambassador to Italy, who stated in an interview with Italian channel Rete 4 that, “For us, there is a purpose: to destroy Gaza, to destroy the absolute evil.”<sup>110</sup> In another similar episode, former Knesset member Moshe Feiglin said Gaza should be “completely destroyed,”<sup>111</sup> comparing the fate the territory under siege should suffer to the Japanese cities of Hiroshima and Nagasaki, as well as the German city of Dresden during World War II.

As reported, the statements of Israeli leaders demonstrate the practice of animalization. This practice equates certain human groups with animals in order to belittle them and justify their oppression. The phenomenon does not exclusively affect racial groups; rather, it also involves other marginalized individuals, such as those who are poor, disabled, and female. According to Crary, this practice is rooted in history and affects various marginalized communities, perpetuating systemic inequalities and injustices.<sup>112</sup> The use of dehumanizing language towards Palestinians in the Gaza Strip by referring to them as "human animals" and declaring a total siege exemplifies the concept of animalization. This language not only diminishes their status, but also provides a justification for denying them basic human necessities. This normalization of violence and collective punishment has severe humanitarian consequences and violates international laws that protect life and dignity during times of conflict. Additionally, Israeli Defense Minister Yoav Gallant and Prime Minister Benjamin Netanyahu have employed rhetoric that dehumanizes Hamas fighters, comparing them to "human

---

<sup>109</sup> Buxbaum, “Erase Gaza: How genocidal rhetoric became normalised in Israel,” *The New Arab*.

<sup>110</sup> The New Arab Staff, “Israeli diplomat, politician call for ‘complete destruction of Gaza’ in live television rants,” *The New Arab*, 27 October 2023, <https://www.newarab.com/news/israel-diplomat-calls-destruction-gaza-tv-rant>

<sup>111</sup> Ibid.

<sup>112</sup> Alice Crary, “Dehumanization and the Question of Animals,” in *The Routledge Handbook of Dehumanization*, 1st ed. (Routledge, 2021), 14, p.159.

monsters"<sup>113</sup> and "bloodthirsty monsters,"<sup>114</sup> respectively. This rhetoric has troubling implications due to its potential to justify violence against entire groups. By portraying enemies as monsters, their behavior is dehumanized, suggesting that they are evil by nature and fundamentally different from human beings. This dehumanization justifies possible total destruction and the extension of violence to entire groups. Specifically, the term "bloodthirsty" serves to further emphasize this dehumanization by comparing them to vampires, a trope historically associated with Jews. The language used by Netanyahu thus risks advocating not only the destruction of Hamas, but also a generalized brutality against the Palestinian people.<sup>115</sup>

### 2.3.3 Historical cases

The Holocaust exemplifies 20th-century genocide, defined by the systematic extermination of Jews and other groups deemed undesirable by the Nazis. At the core of this atrocity was the dehumanization of these populations, as evidenced in Adolf Hitler's *Mein Kampf*. In this text, Hitler depicted Jews as subhuman creatures, comparing them to vermin, parasites, and disease carriers. This rhetoric was not mere rhetoric, but rather a foundational belief that justified the extermination camps and the brutal methods used to eradicate millions. In point of fact, the Nazis saw themselves as the saviors of the Aryan race, purging society of what they considered biological contaminants.<sup>116</sup>

In Nazi Germany, dehumanizing propaganda played a crucial role in inciting civilian participation in genocide by shaping social attitudes through the media. Indeed, propaganda portrayed Jews as subhuman and dangerous, justifying discriminatory policies and inciting violence. Rather than creating entirely new prejudices, Nazi propaganda capitalized on and amplified pre-existing biases against Jews, especially in regions where such sentiments were already prevalent. The efficacy of dehumanizing propaganda hinges upon its capacity to capitalize upon the cultural predispositions and historical resentments of a given society. By portraying targeted groups as subhuman or

---

<sup>113</sup> David Livingstone Smith, "From Human Animals to Bloodthirsty Monsters: The Rhetoric of Dehumanization in Israel's War against Hamas," *Substack*, October 15, 2023, <https://davidlivingstonesmith.substack.com/p/from-human-animals-to-bloodthirsty>

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> Livingstone Smith, *Less Than Human: Why We Demean, Enslave, and Exterminate Others*, pp.142-143.

inherently dangerous, propaganda serves to justify discriminatory policies and incite violence against them.<sup>117</sup>

The 1994 Rwandan genocide, which resulted in the massacre of approximately 800,000 Tutsis and moderate Hutus over the course of three months, serves as a tragic illustration of the capacity of dehumanizing propaganda to fuel mass violence. This genocide had its origins in long-standing ethnic tensions, which were further exacerbated by Belgian colonial rule, which favored the Tutsi minority over the Hutu majority. The assassination of Hutu President Juvénal Habyarimana was the catalyst for the genocide, which was orchestrated by extremist Hutu factions. Propaganda, particularly that of Kangura magazine, played a pivotal role in inciting violence, portraying Tutsis as "cockroaches" and other vermin, considering them evil and to be exterminated. This dehumanizing rhetoric garnered support for genocide, leading government-sponsored militias to target the ethnic cleansing of Tutsis. Terms such as "cockroaches," "rats," and "snakes" were employed to justify inhumane treatment and mass slaughter. The pervasive dehumanization of the victims led the perpetrators to view them as subhuman beings, not deserving of basic rights or dignity. Survivor testimonies reveal the extent to which this dehumanization was embedded in the Hutu population's mindset. Tutsis were not seen as human beings, but as entities to be eradicated. The use of phrases such as "operation insecticide," employed in military operations against Tutsis, serves to illustrate the extent of this dehumanization.<sup>118</sup>

A significant impact on the dissemination of propaganda was exerted by the Radio Télévision Libre des Mille Collines (RTLM). Despite a small percentage of Rwandans having access to radio transmitters, and broadcast coverage in rural areas being limited, RTLM messages managed to reach a considerable portion of the populace. A significant proportion of the most incendiary transmissions, which incited the killing of Tutsis, were broadcast after the genocide began. This suggests that the RTLM did not initiate the violence but contributed significantly to its intensification and perpetuation. In fact, radio

---

<sup>117</sup> Aliza Luft, "Dehumanization and the Normalization of Violence: It's Not What You Think," *Items: Insights from the Social Sciences*, May 21, 2019, <https://items.ssrc.org/insights/dehumanization-and-the-normalization-of-violence-its-not-what-you-think/>

<sup>118</sup> Livingstone Smith, *Less Than Human: Why We Demean, Enslave, and Exterminate Others*, pp.147-149.

was a communal activity in Rwanda, and collective listening amplified the impact of RTL, influencing public perceptions and actions.<sup>119</sup>

## 2.4 Specific Forms of Dehumanization in Gaza

This paragraph discusses how Israel's dehumanizing discourses have led to the violation of the dignity of Palestinians. The war in Gaza has created a humanitarian crisis characterized by grave human rights violations and systematic dehumanization of the affected population, exacerbating an already dire situation. Since the escalation of hostilities in October 2023, Israel's disproportionate use of force, including airstrikes and ground offensives in densely populated areas, has resulted in a high number of civilian casualties, including women and children. According to the Gaza Health Ministry, more than 37,953 Palestinians have been killed, with an additional 539 casualties reported in the West Bank. Infrastructure damage in Gaza is extensive, with more than 70,000 housing units destroyed and an estimated 1.9 million people displaced.<sup>120</sup>

This analysis focuses on three serious forms of violations committed by Israel against the Palestinian population:

- The use of hunger as a tool of war
- The violations of the reproductive rights of Palestinian women
- The systematic abuse and torture of detainees

Through these violations, it tries to identify the *actus reus* of four crucial acts that may constitute genocide: (1) the intentional killing of group members; (2) the infliction of severe physical or mental harm on people belonging to the group; (3) the deliberate imposition of living conditions designed to cause the physical destruction of the group; and finally, (4) the adoption of measures designed to prevent births within the group.

The analysis in Section 2.4.2 shows that despite Israel's use of an economic blockade and imposition of restrictions on essential supplies, the Palestinian population in Gaza has displayed remarkable resilience. They are managing to survive and resist, even in the face

---

<sup>119</sup> Aliza Luft, "Dehumanization and the Normalization of Violence," *Items*, May 21, 2019.

<sup>120</sup> OCHA, "Occupied Palestinian Territory: REPORTED IMPACT SINCE 7 OCTOBER 2023", <https://www.ochaopt.org/>

of severe suffering, increased risk of malnutrition and disease, and limited access to essential health services, particularly for women and children. As a result, these measures can be interpreted as an attempt aimed at causing the physical destruction of the Palestinian population.

Section 2.4.3 addresses violations of reproductive rights, including severe restrictions on women's access to basic reproductive health services. These violations, which disproportionately affect Palestinian women, can cause significant physical and psychological harm. In addition, it is important to note that restrictions can include limited access to contraceptives and prenatal care and, in extreme cases, reproductive coercion. The implementation of these restrictions may be an attempt to influence the demographic composition of the Palestinian population and thus the imposition of birth control measures within the group.

In section 2.4.4, the analysis focuses on the systemic abuse and torture of Palestinian detainees, which constitutes a grave violation of human rights aimed at physically and psychologically weakening the population. These abuses involve cruel, inhuman, or degrading treatment, inflicting lasting physical and mental harm on the detainees. Torture involves inflicting serious physical or mental harm, as well as intentionally killing members of the Palestinian group.

#### **2.4.2 Starvation as a Weapon**

Since October 7, 2023, Israel has intensified its blockade of Gaza, resulting in a devastating humanitarian crisis marked by numerous deaths from starvation, with ten children perishing daily. This deliberate tactic, condemned as a violation of international humanitarian law, has effectively restricted access to essential food supplies, creating life-threatening conditions intended to exert pressure on the Palestinian population.<sup>121</sup> The dehumanizing consequences of this blockade have tragically confirmed the predictions made by observers like Gallant, who warned of Palestinians being treated as "*human*

---

<sup>121</sup> Francesca Albanese, *Anatomy of a Genocide – Report on the situation of human rights in the Palestinian territories occupied since 1967*, A/HRC/55/73, Human Rights Council, March 24, 2024, pp. 6-7, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf>

*animals.*" It is evident that Israel's strategy has achieved its objective of severely limiting the availability of food, thereby exacerbating suffering and mortality among civilians.

The deliberate starvation of civilians or the denial of access to food sources is prohibited under international humanitarian law, particularly Articles 54(1) of Protocol I and Article 14 of Protocol II. These protocols emphasize the absolute prohibition on using starvation as a method of warfare. Furthermore, parties to a conflict must refrain from attacking essential civilian infrastructure, including food and medical supplies, agricultural areas, and water installations that are critical for survival. In addition to the prohibition on starvation tactics, parties to a conflict are obliged to facilitate the rapid and unimpeded delivery of humanitarian assistance to civilians in need. This encompasses ensuring unhindered access for humanitarian relief personnel and refraining from obstructing the provision of aid.<sup>122</sup>

The Integrated Food Security Phase Classification (IPC) report for December 2023 on acute food insecurity in the Gaza Strip identified an imminent risk of famine as the war continued. Northern Gaza was classified in the most severe phase, Phase 5-Catastrophe, with approximately 70 percent of the population, or 210,000 individuals, in a state of extreme vulnerability. The southern regions of Deir al-Balah, Khan Younis, and Rafah also face severe levels of food insecurity, with the IPC Phase 4-Emergency classification, and a risk of famine that could extend until July 2024, according to the most pessimistic assumptions. It is estimated that by mid-July, half of Gaza's population of 1.11 million people will be in catastrophic conditions, a significant increase from previous estimates.<sup>123</sup>

The latest IPC report, covering the period from May 1 to September 30, 2024, reveals an even worse situation. The findings indicate that approximately 2.15 million individuals in Gaza are experiencing acute food insecurity at crisis levels or worse (IPC Phase 3+), which includes 96% of the population analyzed. This includes more than 495,000 individuals facing catastrophic food insecurity, characterized by extreme food shortages.

---

<sup>122</sup> Human Rights Watch, "Israel: Starvation Used as Weapon of War in Gaza," December 18, 2023, <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza>

<sup>123</sup> IPC, "Gaza Strip: Famine is imminent as 1.1 million people, half of Gaza, experience catastrophic food insecurity", *IPC Alert*, Issue 97, 2024, <https://www.ipcinfo.org/ipcinfo-website/alerts-archive/issue-97/en/>

Despite some temporary improvements in food deliveries and nutrition services in northern Gaza at the beginning of the year, new conflicts in May, particularly the Rafah offensive, have severely limited aid efforts.<sup>124</sup> The operation began with targeted air strikes and was followed by a planned ground offensive to neutralize alleged Hamas brigade positions in the city. Before the initiation of ground operations, the Israeli Defense Forces (IDF) assumed control of the Gazan side of the Rafah Crossing, a critical link between Egypt and Gaza. In advance of the ground offensive, the Israeli army had already ordered the evacuation of more than 100,000 Palestinians from the eastern side of Rafah. This mass evacuation was accompanied by warnings via leaflets dropped from the air, urging people to move away from areas designated as military targets.<sup>125</sup> The offensive resulted in the displacement of over one million Palestinians in the southern region, concomitantly reducing access to fundamental services such as healthcare, water, and sanitation. This has heightened the risk of epidemic outbreaks. Furthermore, the conflict has caused extensive damage to Gaza's infrastructure, with approximately 60% of buildings and nearly 70% of water, sanitation, and hygiene facilities damaged or destroyed by the end of May. Moreover, agricultural land, which is vital for food production, has also been heavily affected, with 57 percent destroyed or severely damaged.<sup>126</sup>

The use of hunger as a weapon of war by the Israeli military has resulted in significant suffering among the civilian population of Gaza, further exacerbating an already critical humanitarian crisis and endangering the lives and health of thousands, as evidenced by the findings of Human Rights Watch.<sup>127</sup> Prior to the escalation of hostilities in October 2023, Gaza already faced severe food insecurity, with the majority of the population dependent on humanitarian aid. The deterioration in conditions has been rapid and dramatic, with those most affected by malnutrition and dehydration being children, pregnant women, and nursing mothers. The number of children under the age of five

---

<sup>124</sup> IPC, "GAZA STRIP: IPC Acute Food Insecurity Special Snapshot", *IPC report*, June 25, 2024, [https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_MaySept2024\\_Special\\_Snapshot.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_MaySept2024_Special_Snapshot.pdf)

<sup>125</sup> Ellen Ioanes, "Israel's Rafah operation, explained", *Vox*, May 7, 2024, <https://www.vox.com/world-politics/2024/5/6/24150729/israel-rafah-hamas-ceasefire-gaza-cairo-khan-younis-idf-gallant-netanyahu>.

<sup>126</sup> IPC, "GAZA STRIP: IPC Acute Food Insecurity Special Snapshot", 2024

<sup>127</sup> Human Rights Watch, "Gaza: Israel's Imposed Starvation Deadly for Children", April 9, 2024, <https://www.hrw.org/news/2024/04/09/gaza-israels-imposed-starvation-deadly-children>

suffering from acute malnutrition has increased significantly, from 0.8 percent to 12.4-16.5 percent in northern Gaza. As of April 1, the Gaza Ministry of Health reported 32 deaths from malnutrition and dehydration, with most victims being children. Human Rights Watch has documented multiple cases of children suffering or dying from hunger-related complications.<sup>128</sup> Three testimonies illustrate the extent of the suffering:

- Abdelaziz, born prematurely in Kamal Adwan Hospital to severely malnourished parents, died shortly after birth. The hospital faced a critical fuel shortage, which caused the ventilator that supported him to malfunction.<sup>129</sup>
- Joud, one of a pair of twin girls, was born into a family facing severe poverty and food insecurity. She died from malnutrition shortly after birth, exacerbated by the unavailability of essential infant formula and nutritious foods.<sup>130</sup>
- Fadi, a six-year-old child with cystic fibrosis, experienced a significant deterioration in his health due to the impact of the blockade on access to vital medicines and adequate nutrition. His condition deteriorated to the point of requiring urgent evacuation to Cairo for medical treatment.<sup>131</sup>

The atrocities inflicted on children result in "unchildling,"<sup>132</sup> whereby Palestinian children are dehumanized, viewed as dangerous, and subjected to violence as a means to reinforce Israeli state power. Albanese highlights the cruelty of the recent Israeli attack through the suffering inflicted on children. Her words, "The savagery of Israel's latest assault is best illustrated by the torment inflicted upon children of all ages, killed or rescued from under the rubble, maimed, orphaned, many without surviving family. Considering the significance of children to the future development of a society, inflicting serious bodily or mental harm to them can be reasonably interpreted as a means to destroy the group in whole or in part."<sup>133</sup> Philippe Lazzarini, Commissioner-General of UNRWA, adds a concrete dimension to this narrative, reporting that every day ten children lose one or both

---

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> Morrison, "Review: Incarcerated Childhood and the Politics of Unchildling, by Nadera Shalhoub-Kevorkian." *Journal of Palestine Studies*, 2020

<sup>133</sup> Albanese, *Anatomy of a Genocide*, A/HRC/55/73, March 24, 2024, 33, p.8

legs to shelling, while more than half of UNRWA's facilities in Gaza have been damaged or targeted.<sup>134</sup>

The concept of "unchilding", described by criminologist Shalhoub-Kevorkian, describes the disturbing reality in which Palestinian children are not perceived or treated as innocent individuals who deserve protection. On the contrary, they are often viewed as threats or targets by Israeli authorities, justifying their frequent exposure to violence and unavoidable collateral damage.<sup>135</sup> The Gaza Strip, as highlighted in the IPC report, is on the brink of a humanitarian catastrophe, with a significant percentage of the population - including many children - living in extremely vulnerable food and health conditions due to military operations and restrictions imposed by the Israeli blockade. This context highlights how Palestinian children are subjected to systematic deprivation in childhood: from food shortages that jeopardize their health and survival, to loss of access to essential services such as medical care and education. Such treatment not only undermines their basic rights, but also perpetuates a cycle of violence and dehumanization as an integral part of Israeli colonial control in the region.

#### **2.4.3 Reproductive rights Violations affecting Palestinian women**

Palestinian women are subjected to pervasive discrimination and systematic violence as a consequence of the Israeli occupation. Since the outbreak of violence on October 7, there has been a notable increase in the number of violations of Palestinian women's rights. Reem Alsalem, the United Nations Special Rapporteur on violence against women and girls, has denounced Israel's persistent violence against the reproductive rights of Palestinian women and their newborns. As reported by the World Health Organization and UN agencies, 117 attacks have been launched against Gaza's health infrastructure since October 7, resulting in half of the hospitals and 64 percent of primary health care centers becoming inoperable. It is estimated that approximately 50,000 pregnant women in Gaza are currently forced to give birth in increasingly challenging circumstances. Daily, more than 180 women are confronted with the prospect of childbirth in conditions

---

<sup>134</sup> UNRWA, "Press Conference: Update on the Occupied Palestinian Territory," June 25, 2024, <https://www.unognewsroom.org/teleprompter/en/2242/unrwa-press-conference-update-on-the-occupied-palestinian-territory-25-june-2024/6749>

<sup>135</sup> Morrison, "Review: Incarcerated Childhood and the Politics of Unchilding", 2020

that are inhumane, degrading, and perilous. It is a tragic fact that several women appear to have lost their lives before or during childbirth. Alsalem cautioned that Israel's reproductive violence against Palestinian women, infants, and children could potentially contravene the right to life, as delineated in Article 6 of the International Covenant on Civil and Political Rights and could constitute genocide under Article 2 of the Convention on the Prevention of Genocide. This encompasses actions taken to prevent births within a specific group, as outlined in various articles of the Convention on the Elimination of All Forms of Discrimination against Women and Article 6 of the Rome Statute of the International Criminal Court.<sup>136</sup>

A specific analysis reveals that pregnant women are exposed to significant risks without adequate protection. These women face shortages of health services and food, increasing the risk of complications during pregnancy, such as miscarriages and premature births. Dina Hani 'Eleiwa, an eight-month pregnant woman, recounts suffering a miscarriage after being exposed to white phosphorus shot by the IDF, thereby revealing the tragedy experienced by women during the conflict. Ruwaida Waleed al-Nazli, for example, described how the collapse of her building due to shelling led to the reopening of her cesarean scar, resulting in fatal consequences for her baby.<sup>137</sup> Mental health also exacerbates their condition; the psychological impact of war on pregnant women has led to an increase in miscarriages, premature births, and stillbirths. Indeed, the stress associated with military conflict contributes to these issues, leading to malnutrition and dehydration in unborn children and a 300% increase in miscarriages due to Israeli attacks.<sup>138</sup>

The situation is further complicated by the severe health crisis caused by the IDF attacks on hospitals and health centers. The targeted attacks have resulted in the closure of at least 31 hospitals and 53 primary care clinics, which has deprived pregnant women of access

---

<sup>136</sup> Reem Alsalem, "Women bearing the brunt of Israel-Gaza conflict: UN expert", *OHCHR*, November 20, 2023, <https://www.ohchr.org/en/press-releases/2023/11/women-bearing-brunt-israel-gaza-conflict-un-expert>

<sup>137</sup> PCHR, *Israel's Measures Intended to Prevent Births within Gaza Strip*, March 9, 2024, <https://pchr.org/en/wp-content/uploads/2024/03/Israels-Measures-intended-to-Prevent-Births-within-Gaza-Strip-1.pdf>

<sup>138</sup> Maria Santillana, "Beyond the Battlefield: How gender-based violence in the Israel-Gaza conflict is a reproductive rights crisis", *International IDEA*, March 8, 2024, <https://www.idea.int/blog/beyond-battlefield-how-gender-based-violence-israel-gaza-conflict-reproductive-rights-crisis>

to essential healthcare services. In the context of emergencies, the IDF has targeted ambulance crews and damaged vehicles, thereby significantly impeding the transportation of women in labor to medical facilities. Consequently, a significant number of women are compelled to give birth in suboptimal conditions, lacking access to potable water or adequate medical care. C-sections are frequently performed without anesthesia, while the lack of essential supplies, such as blood and medical supplies, forces doctors to make extreme life-saving decisions, such as performing unnecessary hysterectomies that deprive women of the chance to have more children.<sup>139</sup>

Another significant issue facing women in Gaza is food insecurity. Indeed, due to attacks on bakeries, store closures, and soaring prices, families are unable to obtain sufficient food, compounded by Israeli-imposed restrictions on essential supplies and control of water sources. Hadil Isma'il Sbeihat recounts her experience of hunger and malnutrition during her eighth month of pregnancy, in which she often prioritizes her children's nutrition over her own. Islam Abdulatif Shamali is concerned about the potential health implications of malnutrition for her infant, particularly in light of the limited access to nutrient-rich foods such as vegetables and meat.<sup>140</sup>

Another critical concern is the severe water and sanitation crisis, which places women and girls at significant risk to their health. By mid-December 2023, the daily per capita water consumption had declined to a mere 1.5 liters, a figure that falls far below the minimum humanitarian standard of 15 liters per capita, which is necessary for basic survival during emergencies. This scarcity has a particularly adverse impact on pregnant and lactating women, who require approximately 7.5 liters per day to maintain their health and support lactation. This is a need that is five times greater than the current availability. Access to clean water is of critical importance not only for the maintenance of hydration levels, but also to prevent the onset of health complications such as urinary tract infections, which are particularly prevalent during pregnancy and childbirth.<sup>141</sup>

---

<sup>139</sup> PCHR, *Israel's Measures Intended to Prevent Births within Gaza Strip*, 2024

<sup>140</sup> Ibid.

<sup>141</sup> UN Women, *Scarcity and fear: A gender analysis of the impact of the war in Gaza on vital services essential to women's and girls' health, safety, and dignity*, April 2024, <https://www.unwomen.org/sites/default/files/2024-04/gender-alert-gender-analysis-of-the-war-in-gaza-on-vital-services-essential-to-womens-and-girls-health-safety-en.pdf>

It is estimated that more than 690,000 menstruating women and girls in Gaza face severe difficulties in accessing menstrual products. According to UN Women, Gaza requires 10 million disposable menstrual pads or 4 million reusable sanitary pads per month. However, the destruction of stores and limited supplies have made access to these products nearly impossible for many women and girls. In the midst of the ongoing war, a 13-year-old girl in Deir Al Balah is grappling with her first menstruation, feeling embarrassed and withdrawn, striving to remain invisible to avoid exposure. Meanwhile, in Khan Younis, a doctor has reported heightened difficulties for breastfeeding women due to wartime conditions, compounded by the risk of dehydration stemming from water shortages, which poses a grave threat to infants dependent on formula milk. Lastly, a 33-year-old university employee recounts the arduous experience of caring for her ailing mother in suboptimal living conditions, underscoring the dire search for adequate shelter amidst the pervasive challenges of conflict.<sup>142</sup>

The theory of gender coloniality proposed by María Lugones provides an essential framework for understanding how colonial power not only oppresses and controls but also dehumanizes and regulates the bodies and identities of colonized populations. According to Lugones, modern colonialism imposes a hierarchical dichotomy between the "*human*" and the "*non-human*." In this system, Western colonizers, particularly white bourgeois men, are seen as fully human, rational, and dominant. In contrast, colonized women are frequently dehumanized, perceived as sexually uncontrollable and savage animals, and subjected to extreme forms of violence and control.<sup>143</sup>

This hierarchical dynamic is evident in the realm of reproductive health in Gaza, where women are compelled to endure childbirth in perilous conditions. Practices such as emergency C-sections without anesthesia and the scarcity of sterile medical equipment exemplify the colonial control that dehumanizes women, treating them as inferior beings. Furthermore, the considerable psychological distress caused by the ongoing conflict significantly increases the risks of miscarriages, premature births, and fetal deaths. This demonstrates that Israel's oppression extends beyond physical domination to exert a

---

<sup>142</sup> Ibid.

<sup>143</sup> María Lugones, "Toward a Decolonial Feminism," *Hypatia* 25, pp. 743-745, <http://www.jstor.org/stable/40928654>

significant influence on mental and emotional wellbeing, disrupting vital social and community networks that are essential for women's health. Notably, the denial of access to menstrual hygiene products and the prevalence of sexual violence during conflicts serve to compound the violation of women's rights. These practices illustrate how gender coloniality employs violence and sexual coercion as instruments of domination, perpetuating a system of power based on the exploitation and dehumanization of indigenous populations.<sup>144</sup>

#### **2.4.4 Systematic abuse and torture of Palestinian detainees**

Another type of dehumanization that has mutated into reality during the war concerns degrading levels of torture against the Palestinian population of Gaza. The Israeli army employed a strategy of intense violence and destruction, employing infantry and armored forces along with substantial air, artillery, and naval support. A significant phase of this attack, designated Operation "Ground Maneuver," commenced on October 27, 2023, with Israeli ground incursions into refugee camps and various residential neighborhoods in the Gaza Strip. The violence turned into numerous arbitrary arrests of civilians, who were subjected to inhumane and degrading treatment, including torture. All of this was noted and documented by the Euro-Med Human Rights Monitor. The report is based on interviews with 100 detainees, including men, elderly individuals, women, and children, who were released by the Israeli army. These interviews revealed several human rights violations, including arbitrary arrests, enforced disappearances, voluntary killings, torture, inhumane treatment, sexual violence, and denial of due process. The detainees were also deprived of food and medical care, spat upon, urinated upon, and subjected to psychological abuse.<sup>145</sup>

It can be observed that the Israeli army has been employing violent methods on a systematic basis during arrest operations conducted in Gaza. On December 7, Israeli soldiers issued a directive to civilians in Beit Lahiya, Gaza Strip, requesting that they

---

<sup>144</sup> Ibid.

<sup>145</sup> Euro-Med Human Rights Monitor, *Hostages of Israeli revenge in the Gaza Strip: Torture and inhumane treatment against Palestinian prisoners and detainees*, May 30, 2024, <https://euromedmonitor.org/en/article/6351/Hostages-of-Israeli-revenge-in-the-Gaza-Strip:-Torture-and-inhumane-treatment-against-Palestinian-prisoners-and-detainees>

evacuate their homes with the instruction "All civilians must disembark and surrender,"<sup>146</sup> as recounted by Ayman Lubad, a legal researcher who was detained along with his younger brother. According to reports, male civilians were instructed to undress and were photographed, while female and child detainees were directed to Kamal Adwan Hospital. Images circulated online show an unparalleled level of distress and depravity: Palestinian males were stripped, blindfolded, and transported in military trucks. Testimonies and videos corroborated the systematic abuse of detainees, which included electroshock, burning with lighters, spitting, deprivation of sleep, food, and access to toilets. Many detainees were tied to fences for extended periods, handcuffed and blindfolded for most of the day, and subjected to beatings and torture that resulted in several deaths. Inside the military bases, Palestinians were detained in groups of approximately 100, subjected to torture throughout the day. Lubad's ordeal continued in Jerusalem, where he was subjected to violent interrogation. He recounted, "The interrogator punched me in the face, then they blindfolded me."<sup>147</sup> He attempted to remove the blindfold, but a soldier struck him on the forehead. These testimonies, collected by +972 Magazine and Local Call, describe a pattern of systematic abuse and torture by Israeli soldiers against detainees, regardless of their status as civilians or combatants.<sup>148</sup>

Four distinct phases of increasing brutality and dehumanization by the Israeli army have been identified. From the moment of arrest, Palestinians are subjected to severe physical and psychological torment, including beatings, kicking and forced undressing; they are also subjected to attacks by military dogs without any interrogation being initiated. Upon transfer to unofficial detention centers near Gaza, the torture intensifies. Detainees suffer further beatings, exposure to harsh conditions and forced sleep on rough surfaces. Many suffer injuries so severe that they result in amputations. Munir Abu Shahla, a 64-year-old from Shati'i refugee camp, described being beaten and subjected to electric shocks before interrogation, illustrating the relentless brutality. During interrogations, regardless of their civilian status, detainees are subjected to severe torture. They are stripped, blindfolded, handcuffed and subjected to severe beatings, psychological abuse and humiliation. Even

---

<sup>146</sup> Yuval Abraham, "Inside Israel's torture camp for Gaza detainees," *972 Magazine*, January 5, 2024, <https://www.972mag.com/israel-torture-camp-gaza-detainees/>

<sup>147</sup> Ibid.

<sup>148</sup> Ibid.

minors, such as 15-year-old M.D., are not spared and suffer electroshock, sleep deprivation and unsanitary confinement. Even after interrogations, torture persists during prolonged detention. Detainees face severe beatings, harsh confinement and psychological anguish compounded by uncertainty about their future. Muhammad Khairy Daloul, a 35-year-old lawyer, endured 56 days of unimaginable abuse, including being forced to mimic animal sounds, before being released in a debilitated state.<sup>149</sup> This violent and dehumanizing treatment is part of a broader strategy to intimidate and subjugate the Palestinian population, reflecting a policy of systemic abuse and extreme violations of Palestinians' human rights.

The level of horror also affects women. In fact, testimonies of Gazan women who were victims of sexual violence, torture and inhumane treatment during their detention were also collected. One of the testimonies comes from "N.H.," a 45-year-old woman from Gaza City, who recounts being arrested on Dec. 28, 2023, and detained for 43 days. She described how she was stripped, beaten, and locked up in an animal cage without food or water. Another testimony is that of "N.M.," a 39-year-old woman, who recounts how she was threatened with rape and could not see her children unless she cooperated with Israeli investigators. As well, another anonymous woman, G., who was arrested at the Salah al-Din checkpoint during an evacuation, was taken to an open area and then transferred to a detention center. Here she was forced to undress, insulted, and touched by Israeli female soldiers, and threatened with indecent violence.<sup>150</sup>

Reports of abuses against Palestinian women have been confirmed by United Nations experts. On February 19, 2024, these experts expressed deep concern about the serious human rights violations reported against Palestinian women and girls in the Gaza Strip and the West Bank. In detention, many Palestinian women were subjected to degrading treatment, threats, and physical abuse, including denial of food, medicine, and menstrual pads. In one instance, the detainees were "kept in a cage in the rain and cold, without

---

<sup>149</sup>Euro-Med Monitor, *Hostages of Israeli revenge in the Gaza Strip*, 2024

<sup>150</sup> Euro-Med Human Rights Monitor, "In testimonies to Euro-Med Monitor, women from Gaza report being subjected to sexual violence, torture by Israeli forces," February 27, 2024, <https://euromedmonitor.org/en/article/6188/In-testimonies-to-Euro-Med-Monitor,-women-from-Gaza-report-being-subjected-to-sexual-violence,-torture-by-Israeli-forces>

food."<sup>151</sup> Sexual violence was confirmed, including being "stripped and searched by male officers of the Israeli army."<sup>152</sup> Some were also raped, while others were threatened with rape and sexual assault, and their photos in degrading circumstances were uploaded online. Furthermore, several Palestinian women and children have been reported missing following contact with the Israeli military. This includes a newborn infant transferred to Israel and children separated from their parents, the whereabouts of whom remain unknown.<sup>153</sup>

---

<sup>151</sup> OHCHR, "Israel/oPt: UN experts appalled by reported human rights violations against Palestinian women and girls," press release, February 19, 2024, <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>

<sup>152</sup> Ibid.

<sup>153</sup> Ibid.

## CHAPTER III

### 3. The Role of International Law in the Plausible Genocide in Gaza

This chapter examines the manner in which international law, shaped by the power structures and inequalities of the European colonial era, continues to reflect, and perpetuate these disparities. This colonial legacy has a profound impact on the effectiveness of international law, particularly in addressing severe humanitarian crises such as the alleged genocide in Gaza.

Section 3.1 is dedicated to an examination of the application of international law to the Gaza conflict, with a particular focus on the allegations of war crimes and the role of the International Court of Justice. The case filed by South Africa against Israel is reviewed, shedding light on the limitations of the international legal system in delivering justice and evaluating the responsibilities of third states in preventing genocide.

Section 3.2 evaluates the international community's response to the alleged genocide in Gaza. Since November 2023, the UN Security Council has passed several resolutions with the aim of addressing the humanitarian crisis. However, their effectiveness has been inconsistent. This section assesses the role of the United States and the European Union in the conflict and provides a detailed analysis of Resolution 2735 from June 2024, which proposes a three-stage ceasefire plan but faces significant implementation challenges.

Section 3.3 examines the Eurocentric origins of international law, elucidating how these have perpetuated global inequalities and imperialist practices. The section examines how international law has facilitated Israeli impunity and demonstrates how human rights norms have frequently been employed to bolster colonial oppression. It introduces the Third World Approaches to International Law, critiquing international law for its role in sustaining oppression and exclusion, and highlights how it has been manipulated to legitimize Israeli colonization and deny Palestinians' right to self-determination.

In sum, the chapter illustrates how the colonial foundations of international law impede its capacity to respond effectively to the alleged genocide in Palestine, exposing pervasive structural biases that affect the dispensation of justice for Palestinians.

### **3.1 The implementation of international law**

The ongoing war in Gaza between Israel and Hamas has brought to light serious apprehensions regarding adherence to fundamental principles of international law. Reports of high civilian casualties and widespread damage to civilian infrastructure in Gaza underscore potential violations of the principles of distinction, proportionality, and precaution. Allegations of war crimes from both sides warrant thorough investigations to ensure accountability and justice. This situation has prompted legal action, including a significant lawsuit filed by South Africa with the International Court of Justice accusing Israel of violating the Genocide Convention, demanding immediate measures to stop what it considers genocidal actions. The involvement of the International Court of Justice highlights the broader challenges in applying international law, especially in politically motivated conflicts. This section delves into the allegations of violations by both sides, the ICJ's interim measures, and the limitations and controversies surrounding the Court's rulings in this plausible genocide.

#### **3.1.2 Violations and accountability**

Under international law, individuals living under colonialism or occupation have the right to resist, including through armed struggle. However, this resistance must adhere to international laws and the rules of war, particularly the prohibition against targeting civilians. Actions such as attacking civilians, using inaccurate missiles against civilian areas, and taking civilians as hostages are strictly forbidden and can constitute war crimes. On October 7, Hamas and other Palestinian groups has been found responsible for deliberately killing Israeli civilians and taking hundreds of hostages. Approximately 1,400 Israelis have been killed, according to the Israeli government.<sup>154</sup>

---

<sup>154</sup> Clive Baldwin, 'How Does International Humanitarian Law Apply in Israel and Gaza?' (Human Rights Watch, 27 October 2023) <https://www.hrw.org/news/2023/10/27/how-does-international-humanitarian-law-apply-israel-and-gaza> [Accessed 23 July 2024]

The responsibility of Israel, which has been found to have committed several war crimes and crimes against humanity, is distinct. The blockade of the Gaza Strip, which restricts the flow of vital supplies such as food, water, fuel, and medical aid, has resulted in a significant humanitarian crisis. This action violates Article 54 of the First Additional Protocol to the Geneva Conventions of 1977, which prohibits the use of starvation as a method of warfare. Reports also indicate that Israeli military and political leaders have suggested or planned to forcibly relocate the Palestinian population from Gaza to Egypt's Sinai Peninsula. Such actions would contravene Article 49 of the Fourth Geneva Convention of 1949, which forbids the forcible transfer of civilian populations by an occupying power. Furthermore, Israel's continued bombings and rocket attacks on civilian areas in Gaza have led to significant destruction of homes, shelters, escape routes, and civilian infrastructure. These attacks could be classified as war crimes if they are found to be indiscriminate or lacking sufficient military justification, violating Articles 51 and 52 of the First Additional Protocol to the Geneva Conventions of 1977. Additionally, Israeli attacks on hospitals, schools, and places of worship—protected civilian facilities under international law—constitute a serious breach of the laws of war. According to Articles 18 and 19 of the Fourth Geneva Convention of 1949 and Article 53 of the First Additional Protocol, these facilities should not be targeted, and exceptional care must be taken to avoid collateral damage.<sup>155</sup> As a matter of fact, there are serious allegations and discussions about Israel's potential genocide in Gaza according to UN human rights experts and organizations.<sup>156</sup>

### **3.1.3 South Africa's Legal Case Against Israel**

At the end of December 2023, South Africa approached the International Court of Justice, alleging that Israel has breached the prohibition on genocide in the Gaza Strip. The application seeks an order for Israel to cease bombings and all military operations in Gaza. At the same time, further proceedings take place to determine if Israel has violated its

---

<sup>155</sup> Michael Lynk, "Can International Law Prevail in Gaza and Israel?", *Democracy in Exile*, Dawnmena, 13 November 2023, <https://dawnmena.org/can-international-law-prevail-in-gaza-and-israel/> [Accessed 23 July 2024]

<sup>156</sup> Center for Constitutional Rights, 'Israel's Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide: Emergency Legal Briefing Paper' (18 October 2023) <https://ccrjustice.org/israel-s-unfolding-crime-genocide-palestinian-people-us-failure-prevent-and-complicity-genocide> [Accessed 23 July 2024]

obligations under the Genocide Convention. South Africa contends that Israel's actions “are genocidal in character because they are intended to bring about the destruction of a substantial part”<sup>157</sup> of the Palestinians in Gaza, thereby breaching the Genocide Convention.

Under Article IX of the Genocide Convention, South Africa has filed an application alleging that Israel “intends to destroy a significant portion of the Palestinian national, racial, and ethnic group in Gaza”<sup>158</sup>. South Africa asserts that Israel has failed to prevent genocide, prosecute public incitement to genocide, and has directly committed genocidal acts in Gaza. The application seeks expedited proceedings and interim measures under Article 74(4) of the ICJ's Rules of Court, requesting the ICJ President to instruct Israel to immediately its military operations in Gaza that contravene the Genocide Convention during the ongoing case. This request aims to halt the ongoing violence and prevent further harm to the Palestinian population while the legal process continues.<sup>159</sup>

The application references widespread international agreement about Israel’s conduct, including UN Secretary-General António Guterres’s December 6 Article 99 letter to the United Nations Security Council calling for a humanitarian ceasefire.<sup>160</sup>

South Africa’s legal action is deeply rooted in the historical significance of Nelson Mandela's support for the Palestinian cause, a connection that resonates with South Africa's fight against apartheid. His powerful words, "But we know too well that our freedom is incomplete without the freedom of the Palestinians,"<sup>161</sup> invoke a sense of respect and solidarity.

---

<sup>157</sup> Hyemin Han, 'South Africa Institutes ICJ Proceedings Against Israel for Genocide Convention Violations' (Lawfare, 3 January 2024) <https://www.lawfaremedia.org/article/south-africa-institutes-icj-proceedings-against-israel-for-genocide-convention-violations> accessed 23 July 2024

<sup>158</sup> International Court of Justice, 'Application Instituting Proceedings and Request for the Indication of Provisional Measures', Document No. 192-20231228-APP-01-00-EN, 29 December 2023 <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>

<sup>159</sup> Ibid.

<sup>160</sup> Hyemin Han, 'UN Secretary-General Explicitly Invokes Article 99 Regarding Situation in Gaza', Lawfare, 7 December 2023 <https://www.lawfaremedia.org/article/un-secretary-general-explicitly-invokes-article-99-regarding-situation-in-gaza> [accessed 23 July 2024]

<sup>161</sup> Gerald Imray, 'Nelson Mandela’s Support for Palestinians Endures with South Africa’s Genocide Case Against Israel', AP News, 11 January 2024 <https://apnews.com/article/south-africa-palestine-israel-genocide-mandela-arafat-39d222b9dd65994c4c13730efabe8815> [Accessed 23 July 2024]

### *Key arguments*

According to South Africa, the actions perpetrated by Israel constitute a clear violation of Articles II of the Convention:

- Indiscriminate Killing (Article II (a)): It claims Israel's military actions have led to extensive and systematic killings, particularly targeting civilians including women and children, using heavy ordnance in supposedly safe areas.<sup>162</sup>
- Infliction of Serious Harm (Article II (b)): The allegations extend to severe physical and mental harm inflicted on around 60,000 wounded individuals, exacerbated by the collapse of Gaza's healthcare system and arbitrary arrests.<sup>163</sup>
- Destruction of Living Conditions (Article II (c)): South Africa argues that Israel has imposed conditions designed to bring about physical destruction, including forced displacement of 85% of Gaza's population, destruction of homes, and obstruction of humanitarian aid, leading to severe hunger, shortages of essential supplies, and health crises.<sup>164</sup>
- Reproductive Violence (Article II (d)): The case also includes claims of obstructing medical aid and inadequate facilities for childbirth, increasing risks to the health of newborns and pregnant women.<sup>165</sup>

The application argues that the Court, to order provisional measures, only needs to identify plausible evidence of genocidal intent without conclusively determining it. The analysis of Israeli genocidal intent is supported by 15 U.N. Special Rapporteurs and 21 members of UN Working Groups, who have described the situation in Gaza as “an ongoing genocide”<sup>166</sup> with the clear intent to “destroy the Palestinian people under occupation.”<sup>167</sup> Evidence of genocidal intent includes the explicit statements from Israeli political and military leaders, as well as soldiers, express genocidal intent, including

---

<sup>162</sup> International Court of Justice, “Verbatim Record 2024/1”, 11 January 2024 <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240111-ora-01-00-bi.pdf> [Accessed 23 July 2024]

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Ibid.

references to biblical destruction and dehumanizing language about Palestinians. Additionally, the denial of essential needs suggests a deliberate intention to cause death, contributing to the normalization of genocidal rhetoric.<sup>168</sup>

In defense, Israel argued that its actions in Gaza are a legitimate act of self-defense against Hamas and that it adheres to International Humanitarian Law by targeting Hamas rather than civilians. Israel denied any genocidal intent, saying that its official policies contradict these claims.<sup>169</sup> Any interim measure ordering Israel to cease military operations in Gaza would "deny Israel its ability to meet its obligations to the defense of its citizens, to the hostages and to over 110,000 internally displaced Israelis unable to safely return to their homes,"<sup>170</sup> according to Israel's legal team. Israel also found its alleged genocidal intent to be "totally lacking"<sup>171</sup> and based only on "random assertions."<sup>172</sup>

Israel requests that the Court reject South Africa's application for provisional measures, which are emergency orders aimed at preventing the situation from deteriorating further while the case is under consideration. Additionally, Israel seeks the dismissal of the case altogether, asking the Court to remove it from the General List. These requests are made in accordance with Article 60, paragraph 2, of the Rules of Court, based on the arguments presented during the hearing on January 12, 2024, and any other reasons the Court may find appropriate.<sup>173</sup>

### *ICJ's interim ruling*

On January 26, 2024, the ICJ recalled the attack of 7 October 2023 on Israel and issued an interim ruling on South Africa's allegations. This provisional ruling does not determine whether Israel is committing genocide, as a final ruling will come later. The Court reviewed three conditions: prima facie jurisdiction, plausibility of rights to be protected (specifically genocidal intent), and risk of irreparable harm if measures are not taken

---

<sup>168</sup> Ibid.

<sup>169</sup> International Court of Justice, "Verbatim Record 2024/2," 12 January 2024, p.17 <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240112-ora-01-00-bi.pdf> [Accessed 23 July 2024]

<sup>170</sup> Tyler McBrien, "South Africa and Israel Deliver Oral Arguments in ICJ Case Alleging Genocide," Lawfare, 13 January 2024 <https://www.lawfaremedia.org/article/south-africa-and-israel-deliver-oral-arguments-in-icj-case-alleging-genocide> [Accessed 23 July 2024]

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> International Court of Justice, "Verbatim Record 2024/2," 12 January 2024, p.75

urgently. The ICJ found that there was enough evidence to suggest prima facie jurisdiction and that the rights of Palestinians in Gaza to be protected from genocide were plausible, based on the actions and statements attributed to Israeli officials.<sup>174</sup>

The Court mandated the following actions:

1. Israel, in line with its obligations under the Genocide Convention and concerning Palestinians in Gaza, must take all possible measures to prevent the acts prohibited by the Convention, including killings, causing severe physical or mental harm, deliberately creating living conditions intended to destroy the population in whole or in part, and implementing measures aimed at preventing births.<sup>175</sup>
2. Israel must ensure that its military forces do not carry out any of the acts specified in the first point.<sup>176</sup>
3. Israel must take all possible steps to prevent and punish any direct and public incitement to commit genocide.<sup>177</sup>
4. Israel must promptly and effectively facilitate the provision of humanitarian aid to Gaza.<sup>178</sup>
5. Israel must implement effective measures to preserve evidence related to allegations of actions that violate the Genocide Convention.<sup>179</sup>
6. Israel must submit a report to the Court within one month detailing the measures it has taken to comply with this Order.<sup>180</sup>

The Court has no direct enforcement power, which raises questions about the practical impact of its rulings. As a matter of fact, the International Court of Justice does not prosecute people, but settles legal disputes between countries. Instead, it is the International Criminal Court that has the authority to investigate and prosecute people for

---

<sup>174</sup> Antonio Remiro Brotóns, "Prospects and Implications of the International Court of Justice (ICJ) Ruling in the Case of South Africa Against Israel," Real Instituto Elcano, 27 February 2024 <https://www.realinstitutoelcano.org/en/analyses/prospects-and-implications-of-the-international-court-of-justice-icj-ruling-in-the-case-of-south-africa-against-israel/> [Accessed 23 July 2024]

<sup>175</sup> Rashmin Sagoo, "South Africa's Genocide Case Against Israel: The International Court of Justice Explained," Chatham House, 26 January 2024 <https://www.chathamhouse.org/2024/01/south-africas-genocide-case-against-israel-international-court-justice-explained> [Accessed 23 July 2024]

<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

war crimes, crimes against humanity and genocide. In this case, the investigation into alleged violations by Israeli forces and Hamas militants led to ICC Prosecutor Karim Khan's request for arrest warrants for Hamas leaders Yahya Sinwar, Mohammed Diab Ibrahim al-Masri and Ismail Haniyeh, as well as Israeli Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant, for alleged war crimes and crimes against humanity.<sup>181</sup>

### 3.1.2.1 Limitations and controversies of the ICJ

ICJ' rulings have sparked discussions about its effectiveness and broader implications. Analytical assessments have provided varying perspectives on the Court's directives and the broader consequences of its approach.

On February 12, South Africa submitted a second request to the International Court of Justice to stop Israeli military activities in Rafah. However, the Court did not impose any new measures.<sup>182</sup> Subsequently, on March 6, South Africa made a third request for additional interim measures, including the suspension of military operations. Following this request, the ICJ issued a new order on 28 March 2024, reaffirming earlier measures and adding new ones. These included ensuring the provision of humanitarian aid and preventing military actions that violate Palestinians' rights under the Genocide Convention. The Court emphasized Israel's obligation to comply with these measures, citing the worsening humanitarian crisis and the need for immediate action to address the deteriorating conditions in Gaza.<sup>183</sup>

Since the initial ruling on January 26, over 12,000 Palestinians have tragically lost their lives, with thousands more sustaining injuries. Vital infrastructure has been systematically destroyed, including hospitals, resulting in loss of life and abduction of medical personnel. Many have succumbed to famine, and attacks on homes, schools, and refugee camps have led to the recovery of lifeless children from the debris. Despite the

---

<sup>181</sup> Rashmin Sagoo, "The ICC Prosecutor's Applications for Arrest Warrants Explained," Chatham House, 21 May 2024 <https://www.chathamhouse.org/2024/05/icc-prosecutors-applications-arrest-warrants-explained> [Accessed 23 July 2024]

<sup>182</sup> Emilio Dabed, "By Failing to Stop the Gaza Genocide, the ICJ is Working Exactly as Intended", 972 Magazine, 16 July 2024 <https://www.972mag.com/icj-colonial-violence-gaza/> [Accessed 23 July 2024]

<sup>183</sup> Diakonia IHL Centre, "The ICJ's Second Order on Provisional Measures in the South Africa v. Israel Case", 8 April 2024 <https://www.diakonia.se/ihl/news/icj-second-order-on-provisional-measures-south-africa-v-israel/> [Accessed 23 July 2024]

harrowing conditions endured by Palestinians in Gaza, the ICJ has not ordered the suspension of all military operations. This trend, which can be attributed to power dynamics in the international legal system, implicates the ICJ in the perpetuation and sanctioning of imperial and colonial violence, underscoring the far-reaching implications of the ruling. Some experts contend that the ruling was expected, given the Court's lack of enforcement authority. Others argue that even if a ceasefire had been mandated for Israel with the support of Western powers, especially the United States, Israel would have disregarded it. However, despite Israel's non-compliance with international law, this should not undermine the significance of such a mandate. The ICJ, being a UN body, is legally obligated to take all necessary measures to prevent genocide, a responsibility that carries significant weight.<sup>184</sup>

The International Court of Justice's failure to mandate a ceasefire in the pressing Gaza crisis reflects a conceptual shortfall. The Court's interim measures essentially restated its international obligations to Israel rather than offering new, actionable remedies. This approach diminishes the practical impact of the ICJ's decision to recognize rights without addressing the urgent humanitarian situation in Gaza.<sup>185</sup>

Another analysis examines the jurisdictional and procedural constraints affecting the ICJ decision-making process. This viewpoint suggests that the ICJ's hesitation to cease military operations in Gaza immediately was based on practical considerations within its jurisdictional limits. As the Court's jurisdiction solely covered Israel and did not extend to Hamas, implementing a ceasefire could have been legally incongruent or unfeasible. This perspective underscores the Court's cautious approach to avoid actions that could bias ongoing or future legal proceedings.<sup>186</sup>

However, this perspective is challenged by the fact that Article 41 of the ICJ's Statute grants the Court the authority to prescribe provisional measures to protect the rights of

---

<sup>184</sup> Emilio Dabed, "By Failing to Stop the Gaza Genocide, the ICJ is Working Exactly as Intended", 2024

<sup>185</sup> Mark Kersten, "Rights Without Remedies: The Failure of the International Court of Justice to Order a Ceasefire to Stop Alleged Genocide in Gaza," *Justice in Conflict*, 1 February 2024 <https://justiceinconflict.org/2024/02/01/rights-without-remedies-the-failure-of-the-international-court-of-justice-to-order-a-ceasefire-to-stop-alleged-genocide-in-gaza/> [Accessed 23 July 2024]

<sup>186</sup> Mark Lattimer, "The International Court of Justice's Interim Measures to Prevent Genocide in Gaza," *Lawfare*, 26 January 2024 <https://www.lawfaremedia.org/article/the-international-court-of-justice-s-interim-measures-to-prevent-genocide-in-gaza> [Accessed 23 July 2024]

the involved parties. This provision is not explicitly restricted to reciprocal arrangements. For instance, the ICJ exercised this power to mandate a unilateral ceasefire in the Russia/Ukraine genocide case in March 2022, addressing only one party in its directive. This legal precedent unequivocally demonstrates the Court's capability to enforce unilateral ceasefires when necessary, refuting assertions that such orders are inherently impractical or legally impermissible.<sup>187</sup> The ICJ's decision-making process has been criticized for exhibiting inconsistencies in its rulings across genocide cases. Notably, while the ICJ refrained from issuing ceasefires in previous cases such as Bosnia-Serbia, Gambia-Myanmar, and South Africa-Israel, it adopted a divergent approach in the Russia-Ukraine case. This selective application has raised concerns regarding potential bias based on the geopolitical or racial context of the conflicts, as evidenced by the Court's failure to order a ceasefire in the Gaza case, contrasting sharply with its assertive stance in Ukraine.<sup>188</sup>

In addition, the ICJ's 2004 decision on Israel's separation wall has been cited as reinforcing the principle that occupation itself constitutes an act of aggression, suggesting the potential illegality of Israel's military actions in Gaza under international law.<sup>189</sup> Consequently, it has been contended that the ICJ should have acted consistently by initiating a ceasefire in Gaza, akin to its approach in the Russia-Ukraine case. Recognizing the gravity of the situation, the failure of the International Court of Justice to prescribe a cease-fire underscores a broader problem within international law: the challenges inherent in the application of justice, especially when influential Western states are involved.<sup>190</sup>

However, something changed on May 24, 2024, when the ICJ issued its third order on provisional measures. This was in response to South Africa's request to modify previous measures due to the deteriorating humanitarian situation resulting from Israel's ground offensive in Rafah. The offensive, which began on May 7 and resulted in the displacement of some 800,000 Palestinians by May 18, prompted South Africa to request the

---

<sup>187</sup> Emilio Dabed, "By Failing to Stop the Gaza Genocide, the ICJ is Working Exactly as Intended", 2024  
<sup>188</sup> Ibid.

<sup>189</sup> International Court of Justice, "Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," United Nations, 9 July 2004  
<https://www.un.org/unispal/document/auto-insert-178825/> [Accessed 23 July 2024]

<sup>190</sup> Emilio Dabed, "By Failing to Stop the Gaza Genocide, the ICJ is Working Exactly as Intended", 2024

modification of previous measures. The ICJ reiterated its earlier findings regarding South Africa's jurisdiction and plausibility of rights under the Genocide Convention. It emphasized the urgency and risk of irreparable harm, particularly in light of warnings from UN officials about the collapse of essential services and humanitarian relief efforts in Rafah. The tribunal found Israel's assurances of the safety of civilians inadequate and, as a result, reaffirmed the interim measures of its previous orders. It called for the immediate implementation of these measures, including halting the Israeli military offensive in Rafah, guaranteeing access to the Rafah crossing for humanitarian aid, and allowing unimpeded access to Gaza for UN investigations. In addition, the court called for the immediate and unconditional release of the hostages held in Gaza. This order is binding and imposes international legal obligations on Israel, as well as engaging third states to avoid complicity in violations of international humanitarian law.<sup>191</sup>

### 3.1.2.2 Implications to Third States in preventing Genocide

Israeli officials have strongly rejected the ICJ's order to halt the military assault on Rafah. Prime Minister Benjamin Netanyahu's office labeled South Africa's allegations of genocide as "false and outrageous,"<sup>192</sup> asserting that Israel's military actions target Hamas and not civilians. Finance Minister Bezalel Smotrich framed the demand for a ceasefire as equivalent to demanding Israel's cessation of existence, highlighting the conflict's perceived existential threat. Opposition Leader Yair Lapid criticized the ICJ for failing to address the issue of Israeli hostages in Gaza, viewing this omission as a moral failure.<sup>193</sup> Overall, Israel's reaction emphasizes a firm stance against the ICJ's order, underscoring the conflict's critical nature for national security and the importance of addressing the hostage situation. Israel, in fact denying the ruling, continued its military operations with air strikes and ground massacres, striking not only Rafah but also other areas of Gaza. These operations have included bombings on UN-run schools, which has led to several massacres on Palestinians. In addition, the humanitarian crisis is compounded by public

---

<sup>191</sup> Diakonia IHL Centre, "The ICJ's Third Order on Provisional Measures in the South Africa v. Israel Case," 24 May 2024 <https://www.diakonia.se/ihl/news/the-icjs-third-order-on-provisional-measures-in-the-south-africa-v-israel-case/> [Accessed 23 July 2024]

<sup>192</sup> The Guardian, "Israel-Gaza War: Netanyahu Rejects Genocide Claims as "False and Outrageous"; Palestinian Authority Welcomes ICJ Ruling – as It Happened," 24 May 2024 <https://www.theguardian.com/world/live/2024/may/24/israel-gaza-war-live-icj-rafah-benjamin-netanyahu-latest-live-news-updates> [Accessed 23 July 2024]

<sup>193</sup> Ibid.

health risks such as the spread of the polio virus due to contaminated water and inadequate sanitation. In addition, Israel has extended its attacks to Lebanon, targeting Hezbollah commanders, thus threatening to widen the conflict in the region.<sup>194</sup>

Understanding why Israel consistently fails to comply with provisional measures depends on the uncertainty surrounding the enforceability of the Court's rulings. While ICC decisions carry significant moral and legal weight, there needs to be a direct enforcement mechanism. The practical impact of these decisions largely relies on international cooperation, the pressure from the countries involved, and the often-gridlocked UN Security Council intervention. In truth, ICJ decisions, shaped by an impartial third party, establish a set of undeniable facts that shape global opinion.<sup>195</sup>

The Court's decision underscores the obligation of third states to avoid contributing to or assisting in acts that may constitute genocide. Third States must reassess their actions and support to Israel, ensuring compliance with their obligations, which includes enacting targeted sanctions, applying diplomatic pressure, implementing arms embargoes, and supporting international court referrals. A notable example is the Netherlands, where a case challenged the delivery of F-35 fighter jet parts to Israel, arguing it contributed to violations in Gaza. The Dutch court initially upheld the government's decision but emphasized the need for reevaluation based on international commitments.<sup>196</sup>

The US government has expressed strong criticism of South Africa's application. The National Security Council described it as "without merit, counterproductive, and completely lacking any factual basis,"<sup>197</sup> while the State Department stated that it had not seen acts constituting genocide and viewed the ICJ case as unproductive at this time.

---

<sup>194</sup> Maziar Motamedi and Federica Marsi, "Israel War on Gaza Updates: "Pattern of Systematic Mass Killing" Continues," Al Jazeera, 18 July 2024 <https://www.aljazeera.com/news/liveblog/2024/7/18/israels-war-on-gaza-live-all-rules-of-war-broken-as-gaza-schools-bombed> [Accessed 23 July 2024]

<sup>195</sup> Udayvir Ahuja, "Global Conflicts in the New Age: The Role of ICJ," Observer Research Foundation, 6 April 2024 <https://www.orfonline.org/expert-speak/global-conflicts-in-the-new-age-the-role-of-icj/> [Accessed 23 July 2024]

<sup>196</sup> Yussef Al Tamimi, "Implications of the ICJ Order (South Africa v. Israel) for Third States," EJIL: Talk!, 6 February 2024 <https://www.ejiltalk.org/implications-of-the-icj-order-south-africa-v-israel-for-third-states/> [Accessed 23 July 2024]

<sup>197</sup> Human Rights Watch, "World Court to Hear Genocide Case Against Israel: South Africa Seeks Urgent Measures to Halt Abuses in Gaza," Human Rights Watch, 10 January 2024 <https://www.hrw.org/news/2024/01/10/world-court-hear-genocide-case-against-israel> [Accessed 23 July 2024]

Additionally, the Organization of Islamic Cooperation issued a statement endorsing the case. The French ambassador to the United Nations affirmed France's strong support of the ICJ and commitment to uphold the court's decisions.<sup>198</sup>

However, several nations have taken significant steps either to intervene in or express their intention to participate in the proceedings. The ICJ's Statute allows for two forms of intervention. Article 62 permits a country with a legal interest in the case to request participation. Nicaragua and Palestine have requested permission to intervene under this article. Article 63 applies to cases involving the interpretation of a convention to which other states are parties, such as the Genocide Convention. On June 6, 2024, Spain joined Belgium and Ireland as the third European country to announce its intention to support South Africa's case. A total of 13 countries has either announced their intention to join or filed declarations of intervention. These countries encompass Nicaragua, Belgium, Ireland, Colombia, Turkey, Libya, Egypt, Maldives, Mexico, Chile, Palestine, Spain, and Cuba.<sup>199</sup>

An important opinion of the International Court of Justice was issued in July 2024, declaring that Israel's occupation and annexation of the Palestinian territories are illegal. This marks a crucial moment in international legal discourse. The opinion condemns Israel's policies as violations of international law, specifically pointing to discriminatory practices that amount to racial segregation and apartheid.<sup>200</sup> The ICJ's findings come at a time of ongoing severe human rights abuses in Gaza and the West Bank, including illegal attacks on civilians and the expansion of settlements. This advisory opinion extends the 2004 ICJ ruling that also criticized aspects of Israel's actions but saw little effective enforcement, underscoring the need for renewed efforts to address the ongoing humanitarian crisis and legal violations.<sup>201</sup> Washington argues that this Court's opinion could hinder peace efforts, asserting that the opinion does not align with the existing

---

<sup>198</sup> Ibid.

<sup>199</sup> United Nations Regional Information Centre, "South Africa vs Israel: 13 Other Countries Intend to Join the ICJ Case," UNRIC, 10 June 2024 <https://unric.org/en/south-africa-vs-israel-12-other-countries-intend-to-join-the-icj-case/> [Accessed 23 July 2024]

<sup>200</sup> Amnesty International, "ICJ Opinion Declaring Israel's Occupation of Palestinian Territories Unlawful is Historic Vindication of Palestinians' Rights," 19 July 2024 <https://www.amnesty.org/en/latest/news/2024/07/icj-opinion-declaring-israels-occupation-of-palestinian-territories-unlawful-is-historic-vindication-of-palestinians-rights/> [Accessed 23 July 2024]

<sup>201</sup> Ibid.

framework for resolving the Israeli-Palestinian question, which considers Israel's security concerns. The State Department stressed that the opinion could exacerbate divisions rather than advance a negotiated two-state solution.<sup>202</sup>

Legal experts suggest that the ICJ advisory opinion could significantly alter the political landscape regarding Israel. International law expert Marco Longobardo notes that ICJ's decision could deter other states from supporting Israel, especially in economic and defense sectors.<sup>203</sup> The opinion may make Israeli policies in the occupied territories more contentious, potentially leading to increased isolation for Israel in international relations. Historical precedents, such as the ICJ's 1971 opinion on South Africa's presence in Namibia, suggest that such advisory opinions can exert considerable diplomatic pressure.<sup>204</sup>

### **3.2 International Response to Plausible Genocide**

On November 16, 2023, UN experts issued a warning that the ongoing violence in Gaza may constitute genocide against the Palestinian people.<sup>205</sup> The experts highlighted evidence of genocidal incitement and intent on the part of Israel. They also criticized the international community for failing to enforce an immediate ceasefire and to pressure Israel to stop its actions. Finally, they called for urgent measures, including allowing humanitarian aid, ensuring the safe release of hostages, and establishing a protective international presence. They also urged for an arms embargo and for the root causes of the war, such as the Israeli occupation, to be addressed.<sup>206</sup>

The international community's response to the genocide has sparked significant concern and debate. Since November 2023, a series of UN Security Council resolutions have

---

<sup>202</sup> Kanishka Singh, "US Criticizes ICJ Opinion on Israeli Occupation of Palestinian Territories," Reuters, 20 July 2024 <https://www.reuters.com/world/us-criticizes-icj-opinion-israeli-occupation-palestinian-territories-2024-07-20/> [Accessed 23 July 2024]

<sup>203</sup> Muhammed Enes Calli, "ICJ Opinion on Occupation of Palestine Could "Change Political Calculus in West," Leave Israel "More Isolated": Experts," Anadolu Agency, 19 July 2024 <https://www.aa.com.tr/en/middle-east/icj-opinion-on-occupation-of-palestine-could-change-political-calculus-in-west-leave-israel-more-isolated-experts/3279698> [Accessed 23 July 2024]

<sup>204</sup> Ibid.

<sup>205</sup> OHCHR, "Gaza: UN Experts Call on International Community to Prevent Genocide Against Palestinians", United Nations, 27 November 2023 <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against> [Accessed 23 July 2024]

<sup>206</sup> Ibid.

sought to address the crisis, highlighting the challenges of achieving a sustainable ceasefire and effective humanitarian aid. Despite these efforts, the war continued with significant violence reported by Israel.

The issue of complicity is a controversial one that is pertinent to this discussion. The United States, a major ally of Israel, has been the subject of criticism for its support of arms and vetoes in the UN Security Council. These actions have been accused of perpetuating the conflict and hindering the delivery of humanitarian aid. Similarly, the European Union has been the target of criticism for its arms exports to Israel and its perceived double standards in dealing with the situation, which many view as plausible genocide. In contrast, countries from the Global South have shown strong solidarity with Palestinians, taking legal and diplomatic actions against Israel and challenging Western narratives. This divergence highlights a shift in global power dynamics and increasing influence of the Global South in international discourse on Gaza.

### 3.2.2 UN Ceasefire Resolutions

On November 15, 2023, the United Nations Security Council passed **Resolution 2712** to address the humanitarian crisis in the Gaza Strip. The resolution urged humanitarian pauses and corridors to allow aid delivery and stressed the importance of complying with international humanitarian law. As a result of the resolution, there was increased international pressure on Israel, leading to a ceasefire agreement on November 24. However, the ceasefire collapsed on November 30, and conflict resumed in the Gaza Strip.<sup>207</sup>

Following this, **Resolution 2720** was adopted on December 22, 2023, which called for increased humanitarian aid and the opening of all Gaza border crossings to facilitate aid delivery. Additionally, the resolution proposed the appointment of a Senior Humanitarian and Reconstruction Coordinator for Gaza. However, the resolution faced criticism for not

---

<sup>207</sup> United Nations Security Council, “Resolution 2712 (2023): Urgent and Extended Humanitarian Pauses and Corridors in Gaza,” United Nations, 24 December 2023 <https://www.un.org/unispal/document/urgent-and-extended-humanitarian-pauses-and-corridors-in-gaza-security-council-resolution-2712-2023/> [Accessed 23 July 2024]

calling for an immediate ceasefire and for not adequately addressing the deteriorating conditions in Gaza.<sup>208</sup>

**Resolution 2728**, adopted on March 25, 2024, focuses on addressing the dire humanitarian crisis in Gaza. It calls for an immediate ceasefire during Ramadan, unconditional release of all hostages, and demands that all parties involved adhere to their international legal obligations.<sup>209</sup> It was approved by 14 members, with no opposition, but the United States abstained. Israel's Prime Minister Netanyahu criticized the resolution, claiming it undermines Israeli efforts and supports Hamas. Palestinian representatives and Hamas welcomed it, seeing it as a step towards a prisoner exchange and increased humanitarian aid. Secretary-General António Guterres stressed the importance of implementing the resolution, describing failure as unacceptable. Humanitarian organizations and the European Commission also emphasized the resolution's significance for civilian protection. Despite the resolution, Israel's violence persisted with ongoing bombings and attacks on Palestinians, effectively not respecting the ceasefire.<sup>210</sup>

After previous failed resolutions at a ceasefire due to vetoes from the US, Russia, and China, **Resolution 2735** (2024) was adopted by the UN Security Council on June 10, 2024, outlining a three-phase ceasefire plan. It includes:

1. Immediate Ceasefire: This phase calls for a complete ceasefire, the release of hostages, Israeli withdrawal from populated areas in Gaza, and the commencement of humanitarian aid.
2. Permanent Ceasefire: This phase aims to establish a long-term end to hostilities, complete Israeli withdrawal, and the release of all hostages.

---

<sup>208</sup> United Nations Security Council, “Resolution S/RES/2720 (2023): Security Council Resolution on the Situation in Gaza,” United Nations, 22 December 2023 <https://www.un.org/unispal/document/security-council-resolution-s-res-2720-22dec2023/> [Accessed 23 July 2024]

<sup>209</sup> United Nations Security Council, “Resolution 2728 (2024): Demanding an Immediate Ceasefire During the Month of Ramadan,” United Nations, 25 March 2024 <https://www.un.org/unispal/document/sc-adopted-resolution-2728-2024-demanding-for-an-immediate-ceasefire-during-the-month-of-ramadan-25mar24/> [Accessed 23 July 2024]

<sup>210</sup> Wikipedia, “United Nations Security Council Resolution 2728”, 2024 [https://en.wikipedia.org/wiki/United\\_Nations\\_Security\\_Council\\_Resolution\\_2728](https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_2728) [Accessed 23 July 2024]

3. Reconstruction: This phase initiates a multi-year reconstruction plan for Gaza.

The resolution also rejects any demographic or territorial changes in Gaza and emphasizes the two-state solution, seeking to unify Gaza with the West Bank under Palestinian Authority.<sup>211</sup> The cease-fire negotiations, currently being mediated by Qatar, Egypt, and the United States, are facing significant hurdles. Israel's insistence on controlling the Gaza border with Egypt to prevent arms smuggling to Hamas is at odds with Hamas' demand for a complete Israeli withdrawal from Gaza post-cease-fire. Another contentious issue is the proposal by Hamas for an independent Palestinian government to govern Gaza and the West Bank after the war, to be led by non-partisan figures.<sup>212</sup>

### 3.2.3 Complicity of Third States

#### *United States' complicity*

The resignation of 12 US officials underscores internal dissent regarding the government position on Israel. "America's diplomatic cover for, and continuous flow of arms to, Israel has ensured our undeniable complicity in the killings and forced starvation of a besieged Palestinian population in Gaza,"<sup>213</sup> stated the former officials. They are urging the US to utilize its influence in efforts to bring an end to the conflict, secure the release of hostages and prisoners, endorse Palestinian self-determination, and expand humanitarian assistance in Gaza.<sup>214</sup>

The failure of United States to prevent the genocide, combined with its significant military assistance to Israel, has positioned the country in a controversial and intensely scrutinized manner on the global stage. It is evident that the US has furnished Israel with sophisticated weaponry, including precision-guided munitions and fighter jets, which have been utilized in military operations that have been denounced for targeting civilian

---

<sup>211</sup> United Nations News, "Gaza: Security Council Adopts US Resolution Calling for "Immediate, Full and Complete Ceasefire", 10 June 2024 <https://news.un.org/en/story/2024/06/1150886> [Accessed 23 July 2024]

<sup>212</sup> The Guardian, "Israel-Gaza War: US Mediators Making Progress on Ceasefire Deal but Still "Gaps to Close," Says Biden – As It Happened", 12 July 2024 <https://www.theguardian.com/world/live/2024/jul/12/israel-gaza-war-live-us-mediators-making-progress-on-ceasefire-deal-but-still-gaps-to-close-says-biden> [Accessed 23 July 2024]

<sup>213</sup> Kanishka Singh and Humeyra Pamuk, "US Has "Undeniable Complicity" in Gaza War Killings, Say Former US Officials", Reuters, 3 July 2024 <https://www.reuters.com/world/middle-east/us-has-undeniable-complicity-gaza-war-killings-say-former-us-officials-2024-07-03/> [Accessed 23 July 2024]

<sup>214</sup> Ibid.

regions and infrastructure in Gaza. Furthermore, the US bears a legal obligation under the Genocide Convention to prevent genocide. Its failure to do so may be perceived as a breach of this duty, contributing to the perpetuation of the conflict and the suffering of the Palestinian people. Nevertheless, the United States' pursuit of accountability in this context encounters considerable obstacles due to reservation to Article 9 of the Genocide Convention. There are alternative avenues for accountability, including the potential prosecution of individual US officials at the International Criminal Court or through domestic legal channels. However, the United States has sought to impede international justice mechanisms by threatening sanctions against ICC officials involved in investigations related to Israel's actions, indicating a broader tendency to undermine international legal institutions that may pose a threat to powerful state interests.<sup>215</sup>

The United States' veto of a UN resolution calling for a humanitarian ceasefire in Gaza on December 9, 2023, has sparked significant international criticism. The resolution, proposed by the United Arab Emirates and backed by over 100 countries, aimed to halt the violence, and address the severe humanitarian crisis in Gaza. The veto, along with the UK's abstention, prevented the resolution from passing, drawing condemnation from Palestinian leaders, international rights organizations, and several countries. Critics argue that the U.S. action perpetuates the conflict and disregards the humanitarian needs of Palestinians, reflecting a perceived double standard in the international response to the war.<sup>216</sup>

The U.S. defended its veto by describing the resolution as “imbalanced”<sup>217</sup> and ineffective in achieving a sustainable ceasefire, emphasizing Israel's right to defend itself against Hamas. However, this stance has been criticized for discriminating Palestinians and undermining the UN Security Council's credibility, which many argue are increasingly influenced by the interests of powerful states. The global backlash against the U.S. veto

---

<sup>215</sup> Selman Akstünger, “US “Complicit” in Genocide Through Its Unconditional Support for Israel”, Anadolu Agency, 7 June 2024 <https://www.aa.com.tr/en/middle-east/us-complicit-in-genocide-through-its-unconditional-support-for-israel/3242882#:~:text=The%20ongoing%20genocide%20in%20Gaza,%22state%20complicity%20in%20genocide.%22> [Accessed 23 July 2024]

<sup>216</sup> Al Jazeera, ““Double Standards”: World Reacts to US Veto on Gaza Truce Resolution at UN,” 9 December 2023 <https://www.aljazeera.com/news/2023/12/9/double-standards-world-reacts-to-us-vetoing-uns-c-gaza-resolution> [Accessed 23 July 2024]

<sup>217</sup> Ibid.

not only emphasizes divisions in international politics, but also raises questions about the future of humanitarian interventions and the role of the United Nations in addressing the needs of civilians and resolving issues of injustice in the occupation of Palestine, which has now reached the extreme of possible genocide.<sup>218</sup>

### *European's complicity*

The European Union's complicity in the Gaza genocide can be understood through several lenses: its political endorsement of Israel, its arms support, its historical relationships, and its failure to take decisive action in the face of alleged crimes.

The EU's ongoing arms support for Israel, despite significant international and humanitarian concerns, underscores a troubling disconnect between its stated values and actual policies. Between 2018 and 2022, EU member states exported arms worth approximately 1.76 billion euros to Israel, a flow that continued even after the ICJ's interim ruling. While some EU countries have intermittently suspended arms transfers, these measures have often been limited or short-lived, with Germany notably increasing its arms exports to Israel tenfold in 2023. Moreover, EU public funds have supported Israeli arms manufacturers, with 426 million euros allocated to companies producing weaponry used in Gaza. European research funding has also aided technologies used in Israeli military operations. The EU's failure to impose a comprehensive arms embargo or take decisive action to halt arms flows to Israel reflects a prioritization of political and economic interests over human rights.<sup>219</sup>

While the European Council and Parliament have occasionally called for humanitarian pauses or ceasefires, these statements have often lacked the necessary urgency and practical impact. The EU has refrained from implementing more substantial measures such as sanctions, an arms embargo, or a reduction in diplomatic and trade relations with

---

<sup>218</sup> Ibid.

<sup>219</sup> Niamh Ni Bhriain and Mark Akkerman, "The EU's Support for Israel Makes It Complicit in Genocide", Al Jazeera, 6 July 2024 <https://www.aljazeera.com/opinions/2024/7/6/the-eus-support-for-israel-makes-it-complicit-in-genocide> [Accessed 23 July 2024]

Israel. This inaction, especially in the face of overwhelming evidence of humanitarian disaster, reflects a disconnect between the EU's stated values and its actual policies.<sup>220</sup>

The EU's longstanding relationship with Israel further complicates its position. Historically, the EU has maintained close ties with Israel, treating it almost as a de facto member state despite ongoing military occupation and frequent military actions against its neighbors. This relationship has persisted even as Israel has expanded its occupation of Palestinian territories and engaged in actions that have been widely criticized for human rights violations. From a historical perspective, Israel's origins as a colonial project and its role as a colonial outpost today resonate with past European colonial practices. The EU's alignment with US policies, including allowing the transit of US arms to Israel, adds another layer to its complicity. This alignment suggests that the EU's support for Israel may be driven more by geopolitical interests than by a commitment to human rights.<sup>221</sup>

Legally and morally, the EU's position raises significant concerns. Both the International Court of Justice and the International Criminal Court have indicated that there are plausible cases of genocide and war crimes involving Israeli leaders. By continuing to support Israel despite these findings, the EU risks being perceived as complicit in these alleged crimes. This is particularly troubling given the EU's professed commitment to upholding human rights and international law.<sup>222</sup>

### *Global South's solidarity*

The stance of the Global South contrasts sharply with the hypocritical approaches to international law and human rights. Indeed, countries in the Global South have shown strong solidarity with Palestinians through various legal and diplomatic efforts. For example, the South Africa-Israel case before the International Court of Justice. Similarly, Nicaragua has filed a lawsuit against Germany to stop its arms sales to Israel. Other nations in the Global South, including Algeria, Colombia, Chile, Mexico, Bangladesh,

---

<sup>220</sup> Niamh Ní Bhriain and Mark Akkerman, "Partners in Crime: EU Complicity in Israel's Genocide in Gaza", Transnational Institute, Summary, 4 June 2024 <https://www.tni.org/en/publication/partners-in-crime-EU-complicity-Israel-genocide-Gaza> [Accessed 23 July 2024]

<sup>221</sup> Ibid.

<sup>222</sup> Ibid.

Bolivia, Djibouti, and Comoros, have filed complaints with the ICC, accusing Israel of war crimes against the Palestinians.<sup>223</sup>

Additionally, the Global South's influence was evident in the UN Security Council, where non-permanent members led by Algeria and composed mostly of Global South nations successfully passed a resolution calling for an immediate ceasefire. Countries like Jamaica and Barbados have officially recognized the State of Palestine, while Colombia has severed diplomatic ties with Israel.<sup>224</sup>

The discrepancy between these positions highlights a broader shift in global power dynamics. The Global South's assertive stance on Gaza and Palestine challenges the previously dominant narratives and actions of Western nations. This shift is underscored by a growing divergence between governmental policies and public opinion in the West, as seen in declining support for aid to Israel and increased criticism of Western governments' positions. The actions and solidarity of the Global South reveal a rebalancing of global power, where emerging voices from the Global South are increasingly shaping international discourse and challenging the traditional dominance of Western countries.<sup>225</sup>

### **3.3 International law and Colonialism**

International law has historically been intertwined with the dynamics of power and control, heavily influenced by the legacies of European colonialism. This section explores the foundation of international law, which were largely shaped by European interests, and examines how Eurocentrism continues to impact contemporary legal doctrines and practices. By delving into specific examples such as the 'war against terrorism' and the Israeli-Palestinian conflict, this section aims to illustrate the enduring influence of colonial legacies on the application and interpretation of international law. The discussion also incorporates critical perspectives, including Third World Approaches to International Law, to highlight how international law has often functioned as a tool for exclusion and

---

<sup>223</sup> Emilie Tant and Yacine Ait Larbi, "Whatever Happens Now, South–South Solidarity with Gaza Has Already Exposed the West," Overseas Development Institute, 10 May 2024 <https://odi.org/en/insights/whatever-happens-now-southsouth-solidarity-with-gaza-has-already-exposed-the-west/> [Accessed 23 July 2024]

<sup>224</sup> Ibid.

<sup>225</sup> Ibid.

oppression, perpetuating existing global inequalities and reinforcing the dominance of powerful states.

### 3.3.2 Eurocentric foundations and their implications

The Peace of Westphalia of 1648 is often cited as the beginning of the modern international legal system. It established the principle of sovereignty, stating that all sovereign states are equal and hold absolute power within their territories. However, this model was inherently Eurocentric, assuming a uniform European identity and excluding non-European societies from legitimate sovereignty. It also provided a justification for the subjugation of non-European peoples. This dynamic was reinforced by the colonial doctrine of the “civilizing mission,”<sup>226</sup> which framed Europeans as “civilized”<sup>227</sup> and non-Europeans as “uncivilized,”<sup>228</sup> thus legitimizing European rule and colonial expansion. Colonial doctrines such as *terra nullius*, which held that lands outside European control were not owned and available for colonization, and principles of *recognition* and *efficacy* used to determine statehood, were instrumental in facilitating European expansion. These doctrines were designed to maintain European dominance by undermining the sovereignty and rights of non-European peoples.<sup>229</sup> The legacy of the British Mandate in Palestine is still evident today, as evidenced by the continued domination of the State of Israel. This has led to a situation where Israel is currently operating with impunity under international law, despite the ongoing occupation and human rights violations in the OPT.

#### *Impunity of Israel*

The continued impunity of Israel under international law is a multifaceted issue rooted in complex geopolitical dynamics and historical legacies. A significant factor contributing to this impunity is the unwavering support of the United States, which includes diplomatic backing and veto power in the UN, creating a protective shield for Israel. This support not only emboldens Israeli actions but also undermines international efforts to hold Israel accountable for its actions in the Occupied Palestinian Territory. The US's strategic

---

<sup>226</sup> Murphy, R., Ferrara, A., and Power, S., Chapter 3 The Occupation of Palestine from a TWAAIL Lens, In Prolonged Occupation and International Law, Leiden, The Netherlands: Brill, 2023 [Accessed 22 July 2024]

<sup>227</sup> Ibid.

<sup>228</sup> Ibid.

<sup>229</sup> Ibid.

interests in the Middle East and its alliance with Israel are significant factors that influence its stance, often leading to a dismissal or dilution of resolutions aimed at addressing human rights violations in Gaza and the West Bank, as documented in the previous paragraph.

In 2005, Israel unilaterally withdrew its military forces and some 8,000 settlers from Gaza, asserting the end of its occupation of the territory. However, despite this withdrawal, Israel has continued to designate Gaza as an "enemy entity,"<sup>230</sup> a classification that lacks a clear legal basis. The United Nations maintains that Gaza remains an occupied territory under international humanitarian law due to Israel's comprehensive blockade, which was initiated in 2007. This understanding is based on the principles of international law, which determine occupation by the level of "effective control"<sup>231</sup> rather than the presence of ground troops. UN Security Council Resolution 1860 in 2009 reaffirmed Gaza's status as part of the territory occupied since 1967, protecting Gaza residents under the Fourth Geneva Convention.<sup>232</sup>

Per Article 33 of the Fourth Geneva Convention, the imposition of sanctions or the deprivation of rights upon a specific group based on the actions of its individual members is explicitly proscribed. In 2010, the International Committee of the Red Cross (ICRC) determined that Israel's blockade of Gaza violated the principle of distinction, constituting collective punishment and a breach of international humanitarian law. This stance was endorsed by former UN Secretary-General Ban Ki-moon in 2016, who denounced the blockade's detrimental impact on Gaza's population, economy, and reconstruction endeavors. In 2017, the United Nations predicted that Gaza would become "unlivable"<sup>233</sup> by 2020 due to the prevailing circumstances. These findings were corroborated by the UN Special Rapporteur on Human Rights in the Occupied Palestinian Territories in 2020, who asserted that Israel's actions constitute collective punishment under international law.<sup>234</sup>

---

<sup>230</sup> Michael Lynk, "Can International Law Prevail in Gaza and Israel?", 2023.

<sup>231</sup> Ibid.

<sup>232</sup> Ibid.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

Israel's justification for its actions in the OPTs often relies on framing military operations as part of an international armed conflict. Israel argues that its military responses are legitimate under Article 51 of the UN Charter, invoking the right of self-defense in the face of terrorist threats. However, this interpretation is controversial and has been contested. In 2004, the ICJ ruled that Article 51 does not apply to occupations when the threats come from within the occupied territory.<sup>235</sup> Despite this, Israel has continued to apply Article 51 to its operations, notably in the ongoing war in Gaza. This reinterpretation enables Israel to justify its military force while maintaining control over Palestinian lives.

Finally, procedural challenges and inefficiencies within international legal mechanisms, such as the International Criminal Court and the United Nations, hinder effective enforcement and accountability. The slow and often politicized nature of these institutions means that even well-documented violations, such as those reported by the International Committee of the Red Cross and various UN bodies, do not result in timely or adequate punitive measures against Israel. This gap between documented violations and accountability perpetuates a sense of impunity. Moreover, Israel's use of legal arguments to justify its actions further complicates accountability.

### *The Paradox of Human Rights*

The adoption of the Universal Declaration of Human Rights (UDHR) in 1948 aimed to create a framework to prevent future atrocities by curbing state power excesses and ensuring the protection of citizens from abuses. However, the human rights framework reveals inherent contradictions. While the UDHR established universal standards for evaluating political violence and state-citizen relationships, it also reinforced the role of the nation-state in the post-war order. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide, for example, highlights this paradox. It addresses states and their officials as potential perpetrators of genocide, emphasizing protection from the state, while simultaneously assigning states the role of recognizing and punishing genocide. This dual role underscores the complex interplay of protection from,

---

<sup>235</sup> Noura Erakat, 'Israel Does not Have Right to Self-Defense in International Law Against Occupied Palestinian Territory' (Legal Agenda, 17 July 2014) <https://english.legal-agenda.com/israel-does-not-have-right-to-self-defense-in-international-law-against-occupied-palestinian-territory/>, accessed 23 July 2024.

by, and of the state, highlighting the challenges in achieving a truly equitable human rights system.<sup>236</sup>

An example of this paradox is evident in the international responses to the genocide in Gaza. The UDHR and the Genocide Convention reveal a fundamental contradiction: while mandating states to uphold and enforce human rights, these same states can also be major violators. This dual role-both as protectors and as potential perpetrators-highlights an inherent flaw in the human rights system. In the context of Gaza, for example, the United States and several members of the European Union have been criticized for their support for Israel, despite clear evidence of human rights violations. This support, through military and diplomatic means, has exacerbated the conflict and hampered efforts to address potential genocidal actions, illustrating how political and strategic interests often overshadow human rights concerns.

Moreover, diplomatic efforts to stop genocide have often failed. As documented in the previous section, the numerous UN resolutions and calls for action have been insufficient, mainly due to the lack of effective sanctions and concrete measures against Israel's crimes. The complicity of third-party states, through actions such as arms sales and political support, reveals a significant gap between international legal expectations and the reality of State behaviour, influenced by geopolitical interests.

### **3.3.3 International Law and Palestine**

Third World Approaches to International Law (TWAIL) examine how international law has historically functioned as a tool for exclusion and oppression. This perspective is crucial for understanding the manipulation of international law to sustain imperial ambitions, especially in regions like the Middle East.<sup>237</sup>

Post-World War I, colonialism persisted under the League of Nations mandates. World War II accelerated decolonization, and self-determination was incorporated into the UN Charter. However, the power dynamics remained skewed, with the victors of World War

---

<sup>236</sup> Perugini, Nicola, and Neve Gordon, 'The Paradox of Human Rights', *The Human Right to Dominate*, Oxford Studies in Culture and Politics (New York, 2015; online edn, Oxford Academic, 18 June 2015), <https://doi.org/10.1093/acprof:oso/9780199365012.003.0002>, accessed 22 July 2024.

<sup>237</sup> Murphy, R., Ferrara, A., and Power, S. (2023). Chapter 3 The Occupation of Palestine from a TWAIL Lens. In *Prolonged Occupation and International Law*, Leiden, The Netherlands: Brill | Nijhoff.

II holding permanent seats and veto power on the UN Security Council. Despite this, the UN General Assembly became a more representative body, and former colonies used it to advocate for favourable international legal principles. TWAIL scholars argue that for international law to address global challenges effectively, it must ensure increased participation, distributive justice, and non-selective enforcement. While mechanisms like the International Criminal Court and the principle of Responsibility to Protect have made some progress, they also replicate aspects of the "civilizing mission."<sup>238</sup> Thus, international law's historical and ongoing biases underscore the need for a critical re-evaluation of its application, especially in contexts like Palestine where colonial legacies continue to impact legal outcomes.

TWAIL approach demonstrates how international law has been manipulated to sustain Israeli colonization in Palestine. This manipulation is evident from the early days of the Israeli state. UN General Assembly Resolution 181, passed in 1947 under significant Zionist influence, allocated Palestinian lands to the newly established Israeli state, undermining the Palestinians' right to self-determination. This decision denied the Palestinians, who were the majority in Mandate Palestine, their sovereignty and right to self-governance. In the occupied Palestinian territories, including the West Bank, East Jerusalem, and Gaza Strip, Israel's practices contradict international laws intended to regulate military occupation. The legal frameworks, meant to protect occupied territories and their inhabitants, are being exploited by Israel to further its settler colonial agenda. This prolonged occupation, coupled with practices akin to apartheid, illustrates how international legal principles are being twisted to support and extend colonization. Additionally, Israel's "missing reversioner"<sup>239</sup> theory argues that the West Bank and Gaza Strip were not under recognized sovereignty before the 1967 Six-Day War, thus challenging their status as occupied territories under international law. This theory treats these lands as terra nullius, legitimizing their colonization. Despite condemnation from international bodies such as the International Committee of the Red Cross, the UN Security Council, and the International Court of Justice, Israel maintains an ambiguous and contested stance on the status of these territories.<sup>240</sup> This injustice is evident in

---

<sup>238</sup> Ibid.

<sup>239</sup> Ibid.

<sup>240</sup> Ibid.

particularly in international humanitarian law that failed in protecting the rights and resources of the occupied territories. The failure of third states to hold Israel accountable and to recognize Palestinian statehood contributes to this ongoing exploitation. This scenario is reflective of Paulo Freire's concept in "Pedagogy of the Oppressed,"<sup>241</sup> where he explains that the oppressed aspire to a humane world that is the antithesis of the oppressors' world. The interests of the oppressors inherently conflict with those of the oppressed, creating an imbalance that serves to perpetuate the status quo.

Finally, TWAIL plays a crucial role in understanding the current genocide in Gaza by revealing the skewed application of international norms and criticizing the double standards that allow Israel's actions to continue unchallenged. For example, it sheds light on how the international community, particularly the United States and the European Union, has failed to implement meaningful ceasefires and humanitarian aid due to geopolitical interests, while countries in the Global South have shown solidarity with the Palestinians, challenging Western narratives and demanding accountability. This approach underscores the need for a more equitable and just application of international law, upholding the rights and self-determination of oppressed populations such as the Palestinians.

---

<sup>241</sup> Ibid.

## CONCLUSION

In conclusion, this thesis examined the intricate interrelationship between colonial legacies, dehumanization, and international law in the context of the Gaza war, elucidating profound insights into the way historical injustices and systemic biases inform contemporary issues of human rights and legal responsibility. The examination of colonial legacies demonstrates how the fundamental Zionist aspirations that emerged following the Balfour Declaration, shaped by European colonial policies, have established the basis for Israel's sustained domination of Palestine and the Zionist project of carrying out genocide.

The dehumanization of Palestinians has proven to be a critical factor in the context of genocide. This phenomenon has been illustrated through various theoretical frameworks, including dehumanization theory, Orientalism, and Fanon's postcolonial perspective. This thesis has demonstrated how dehumanization manifests in genocidal rhetoric and practices, including the weaponization of hunger and violations of reproductive rights. These manifestations of systemic abuse are indicative of a pervasive pattern of disregard for the humanity and rights of Palestinians, which is deeply entrenched in historical and ideological constructs.

In evaluating the role of international law, this thesis has identified the constraints and inconsistencies in the implementation of legal standards pertaining to genocide. The inability of international institutions to effectively address violations in Gaza, in conjunction with the complicity of third states, serves to illustrate a significant discrepancy between the legal frameworks that exist and the practical outcomes that result. It is notable that the United States has demonstrated complicity in this context, as evidenced by its unqualified support for Israel and its own repressive policies. A recent example is the warm reception afforded to Benjamin Netanyahu by the U.S. Congress on July 25, 2024, despite the existence of genocide charges and an ICC arrest warrant. This illustrates how U.S. support can serve to legitimize a criminal responsible for war crimes and crimes against humanity.

The findings of this study ultimately suggest the necessity of reforming the existing international legal mechanisms to align more closely with the principles of equity and human rights. This would entail a more robust and impartial approach to preventing and addressing acts of genocide. It is only through such reforms that the global community can aspire to overcome the deeply entrenched prejudices of colonialism and fulfill its commitment to the principles of universal human dignity and justice.

Despite the existence of international legal instruments designed to address crimes against humanity, their applications are frequently shaped by global power dynamics and the legacy of colonialism. It is therefore evident that to effectively address the genocide in Gaza and prevent further atrocities, significant diplomatic change through the decolonization process is essential. It is imperative that third countries, particularly the United States, adopt a critical and responsible stance and publicly and forcefully condemn Israel's crimes. In order to construct a more just and impartial global response, it is imperative that sincere and coordinated international efforts, including the reform of global legal and diplomatic mechanisms, are undertaken. It is only by acknowledging and addressing its complicity that the international community can hope to restore confidence in international law and secure a just and lasting resolution that takes into account the settler colonialism and apartheid perpetuated by Israel in the Palestinian territories.

## BIBLIOGRAPHY

Abraham, Yuval, "Inside Israel's torture camp for Gaza detainees", *972 Magazine*, January 5, 2024. Available at: <https://www.972mag.com/israel-torture-camp-gaza-detainees/> [Accessed 8 July 2024]

Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide.", *Al Jazeera*, October 9, 2023. Available at: <https://www.aljazeera.com/news/2023/10/9/whats-the-israel-palestine-conflict-about-a-simple-guide> [accessed 22 June 2024]

Al Jazeera, "The October 1973 War: How it led to the first Arab recognition of Israel.", *Al Jazeera*, October 6, 2023 Available at: <https://www.aljazeera.com/news/2023/10/6/the-october-1973-war-how-it-led-to-the-first-arab-recognition-of-israel> [accessed 22 June 2024]

Al Jazeera, "“Double Standards”: World Reacts to US Veto on Gaza Truce Resolution at UN,” 9 December 2023. Available at: <https://www.aljazeera.com/news/2023/12/9/double-standards-world-reacts-to-us-vetoing-unsc-gaza-resolution> [Accessed 23 July 2024]

Albanese, Francesca, *Anatomy of a Genocide – Report of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 to Human Rights Council*, A/HRC/55/73, Human Rights Council, March 24, 2024. Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/a-hrc-55-73-auv.pdf> [Accessed 8 July 2024]

Alsalem, Reem, "Women bearing the brunt of Israel-Gaza conflict: UN expert", *OHCHR*, November 20, 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/11/women-bearing-brunt-israel-gaza-conflict-un-expert> [Accessed 8 July 2024]

Amnesty International, "ICJ Opinion Declaring Israel's Occupation of Palestinian Territories Unlawful is Historic Vindication of Palestinians' Rights," 19 July 2024. Available at: <https://www.amnesty.org/en/latest/news/2024/07/icj-opinion-declaring->

israels-occupation-of-palestinian-territories-unlawful-is-historic-vindication-of-palestinians-rights/ [Accessed 23 July 2024]

Antonio Remiro Brotóns, "Prospects and Implications of the International Court of Justice (ICJ) Ruling in the Case of South Africa Against Israel," Real Instituto Elcano, 27 February 2024. Available at: <https://www.realinstitutoelcano.org/en/analyses/prospects-and-implications-of-the-international-court-of-justice-icj-ruling-in-the-case-of-south-africa-against-israel/> [Accessed 23 July 2024]

Buxbaum, Jessica, "Erase Gaza: How genocidal rhetoric became normalised in Israel", *The New Arab*, 30 November 2023. Available at: <https://www.newarab.com/analysis/erase-gaza-how-genocidal-rhetoric-normalised-israel> [Accessed 3 July 2024]

Center for Constitutional Rights, "Israel's Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide: Emergency Legal Briefing Paper", 18 October 2023. Available at: <https://ccrjustice.org/israel-s-unfolding-crime-genocide-palestinian-people-us-failure-prevent-and-complicity-genocide> [Accessed 23 July 2024]

Clive Baldwin, "How Does International Humanitarian Law Apply in Israel and Gaza?", Human Rights Watch, 27 October 2023. Available at: <https://www.hrw.org/news/2023/10/27/how-does-international-humanitarian-law-apply-israel-and-gaza> [Accessed 23 July 2024]

Crary, Alice, "Dehumanization and the Question of Animals", *In The Routledge Handbook of Dehumanization*, 1st ed., 14, Routledge, 2021.

Dana, Tariq, and Ali Jarbawi, "A Century of Settler Colonialism in Palestine: Zionism's Entangled Project.", *Brown Journal of World Affairs* xxiv, 2017.

Dajani, Omar M., "Forty Years without Resolve: Tracing the Influence of Security Council Resolution 242 on the Middle East Peace Process.", *Palestine Studies*, November 2007. Available at: <https://www.palestine-studies.org/en/node/41942> [accessed 22 June 2024]

Diakonia IHL Centre, “The ICJ’s Second Order on Provisional Measures in the South Africa v. Israel Case”, 8 April 2024. Available at: <https://www.diakonia.se/ihl/news/icj-second-order-on-provisional-measures-south-africa-v-israel/> [Accessed 23 July 2024]

Diakonia IHL Centre, "The ICJ’s Third Order on Provisional Measures in the South Africa v. Israel Case," 24 May 2024. Available at: <https://www.diakonia.se/ihl/news/the-icjs-third-order-on-provisional-measures-in-the-south-africa-v-israel-case/> [Accessed 23 July 2024]

Emanuel Fabian, “Defense minister announces "complete siege" of Gaza: No power, food or fuel,” *The Times of Israel*, 9 October 2023. Available at: [https://www.timesofisrael.com/liveblog\\_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/](https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/) [Accessed 3 July 2024]

Emilie Tant and Yacine Ait Larbi, “Whatever Happens Now, South–South Solidarity with Gaza Has Already Exposed the West,” *Overseas Development Institute*, 10 May 2024. Available at: <https://odi.org/en/insights/whatever-happens-now-southsouth-solidarity-with-gaza-has-already-exposed-the-west/> [Accessed 23 July 2024]

Emilio Dabed, “By Failing to Stop the Gaza Genocide, the ICJ is Working Exactly as Intended”, *972 Magazine*, 16 July 2024. Available at: <https://www.972mag.com/icj-colonial-violence-gaza/> [Accessed 23 July 2024]

Encyclopaedia Britannica, "Gaza Strip." Available at: <https://www.britannica.com/place/Gaza-Strip> [accessed 22 June 2024]

Erakat, Noura, Darryl Li, and John Reynolds. “Race, Palestine, and International Law.” *AJIL Unbound* 117 (2023): 77–81

Euro-Med Human Rights Monitor, *Hostages of Israeli revenge in the Gaza Strip: Torture and inhumane treatment against Palestinian prisoners and detainees*, May 30, 2024. Available at: <https://euromedmonitor.org/en/article/6351/Hostages-of-Israeli-revenge-in-the-Gaza-Strip:-Torture-and-inhumane-treatment-against-Palestinian-prisoners-and-detainees> [Accessed 8 July 2024]

Euro-Med Human Rights Monitor, "In testimonies to Euro-Med Monitor, women from Gaza report being subjected to sexual violence, torture by Israeli forces", February 27, 2024. Available at: <https://euromedmonitor.org/en/article/6188/In-testimonies-to-Euro-Med-Monitor,-women-from-Gaza-report-being-subjected-to-sexual-violence,-torture-by-Israeli-forces> [Accessed 8 July 2024]

Fanon, Frantz, *The Wretched of the Earth*, Translated by Constance Farrington, Penguin Classics, 2001.

Gerald Imray, "Nelson Mandela's Support for Palestinians Endures with South Africa's Genocide Case Against Israel", *AP News*, 11 January 2024. Available at: <https://apnews.com/article/south-africa-palestine-israel-genocide-mandela-arafat-39d222b9dd65994c4c13730efabe8815> [Accessed 23 July 2024]

Hammond, Jeremy R., "The Myth of the U.N. Creation of Israel." *Foreign Policy Journal*, October 26, 2010. Available at: <https://www.foreignpolicyjournal.com/2010/10/26/the-myth-of-the-u-n-creation-of-israel/> [accessed 22 June 2024]

Hibri, Cyma, "Orientalism: Edward Said's Groundbreaking Book Explained", *The Conversation*, February 12, 2023. Available at: <https://theconversation.com/orientalism-edward-saids-groundbreaking-book-explained-197429> [Accessed 6 July 2024]

Human Rights Watch, "Israel: Starvation Used as Weapon of War in Gaza," *Human Rights Watch*, December 18, 2023. Available at: <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza> [Accessed 8 July 2024]

Human Rights Watch, "Gaza: Israel's Imposed Starvation Deadly for Children", *Human Rights Watch*, April 9, 2024. Available at: <https://www.hrw.org/news/2024/04/09/gaza-israels-imposed-starvation-deadly-children> [Accessed 8 July 2024]

Human Rights Watch, "World Court to Hear Genocide Case Against Israel: South Africa Seeks Urgent Measures to Halt Abuses in Gaza," *Human Rights Watch*, 10 January 2024. Available at: <https://www.hrw.org/news/2024/01/10/world-court-hear-genocide-case-against-israel> [Accessed 23 July 2024]

Hyemin Han, “South Africa Institutes ICJ Proceedings Against Israel for Genocide Convention Violations,” *Lawfare*, 3 January 2024. Available at: <https://www.lawfaremedia.org/article/south-africa-institutes-icj-proceedings-against-israel-for-genocide-convention-violations> [Accessed 23 July 2024]

Hyemin Han, “UN Secretary-General Explicitly Invokes Article 99 Regarding Situation in Gaza”, *Lawfare*, 7 December 2023. Available at: <https://www.lawfaremedia.org/article/un-secretary-general-explicitly-invokes-article-99-regarding-situation-in-gaza> [Accessed 23 July 2024]

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, "Detailed findings on attacks carried out on and after 7 October 2023 in Israel.", *Human Rights Council*, Fifty-sixth session, 10 June 2024. Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-3.pdf> [accessed 22 June 2024]

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, "Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023.", *Human Rights Council*, Fifty-sixth session, 10 June 2024. Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-4.pdf> [accessed 22 June 2024]

International Court of Justice, “Application Instituting Proceedings and Request for the Indication of Provisional Measures”, 29 December 2023. Available at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf> [Accessed 23 July 2024]

International Court of Justice, “Verbatim Record 2024/1”, 11 January 2024. Available at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240111-ora-01-00-bi.pdf> [Accessed 23 July 2024]

International Court of Justice, “Verbatim Record 2024/2,” 12 January 2024, p.17. Available at: <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240112-ora-01-00-bi.pdf> [Accessed 23 July 2024]

International Court of Justice, "Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," United Nations, 9 July 2004. Available at: <https://www.un.org/unispal/document/auto-insert-178825/> [Accessed 23 July 2024]

Ioanes, Ellen, "Israel's Rafah operation, explained", *Vox*, May 7, 2024. Available at: <https://www.vox.com/world-politics/2024/5/6/24150729/israel-rafah-hamas-ceasefire-gaza-cairo-khan-younis-idf-gallant-netanyahu> [Accessed 8 July 2024]

IPC, "Gaza Strip: Famine is imminent as 1.1 million people, half of Gaza, experience catastrophic food insecurity", *IPC Alert*, Issue 97, 2024. Available at: <https://www.ipcinfo.org/ipcinfo-website/alerts-archive/issue-97/en/> [Accessed 8 July 2024]

IPC, "GAZA STRIP: IPC Acute Food Insecurity Special Snapshot | 1 May - 30 September 2024", *IPC Special Snapshot Report*, June 25, 2024. Available at: [https://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_Gaza\\_Strip\\_Acute\\_Food\\_Insecurity\\_MaySept2024\\_Special\\_Snapshot.pdf](https://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_Gaza_Strip_Acute_Food_Insecurity_MaySept2024_Special_Snapshot.pdf) [Accessed 8 July 2024]

Kanishka Singh, “US Criticizes ICJ Opinion on Israeli Occupation of Palestinian Territories,” *Reuters*, 20 July 2024. Available at: <https://www.reuters.com/world/us-criticizes-icj-opinion-israeli-occupation-palestinian-territories-2024-07-20/> [Accessed 23 July 2024]

Kanishka Singh and Humeyra Pamuk, “US Has “Undeniable Complicity” in Gaza War Killings, Say Former US Officials”, *Reuters*, 3 July 2024. Available at: <https://www.reuters.com/world/middle-east/us-has-undeniable-complicity-gaza-war-killings-say-former-us-officials-2024-07-03/> [Accessed 23 July 2024]

Law for Palestine, "Law for Palestine Releases Database with 500+ Instances of Israeli Incitement to Genocide – Continuously Updated", *Law for Palestine*, January 4, 2024. Available at: <https://law4palestine.org/law-for-palestine-releases-database-with-500->

[instances-of-israeli-incitement-to-genocide-continuously-updated/](#) [Accessed 3 July 2024]

Livingstone Smith, David, *Making Monsters: The Uncanny Power of Dehumanization*, *JDDavisPoet*, November 12, 2023. Available at: <https://www.jddavispoet.com/book-reviews/making-monsters-the-uncanny-power-of-dehumanization-david-livingstone-smith> [Accessed 3 July 2024]

Livingstone Smith, David, "Dehumanization, Humiliation, and Cruelty", *CGC International*, January 13, 2024. Available at: <https://cgcinternational.co.in/dehumanization-humiliation-and-cruelty/> [Accessed 3 July 2024]

Livingstone Smith, David, "From Human Animals to Bloodthirsty Monsters: The Rhetoric of Dehumanization in Israel's War against Hamas", *Substack*, October 15, 2023. Available at: <https://davidlivingstonesmith.substack.com/p/from-human-animals-to-bloodthirsty> [Accessed 3 July 2024]

Lorenzo Kamel, "Framing the Partition Plan for Palestine," *The Cairo Review of Global Affairs* (2022), <https://www.thecaireview.com/wp-content/uploads/2022/03/8-cr44-kamel-half-page-lr.pdf> [accessed 22 June 2024]

Luft, Aliza, "Dehumanization and the Normalization of Violence: It's Not What You Think", *Items: Insights from the Social Sciences*, May 21, 2019. Available at: <https://items.ssrc.org/insights/dehumanization-and-the-normalization-of-violence-its-not-what-you-think/> [Accessed 3 July 2024]

Lugones, María, "Toward a Decolonial Feminism", *Hypatia* 25, no. 4 (2010): 742–59. Available at: <http://www.jstor.org/stable/40928654> [Accessed 8 July 2024]

Marion Mushkat, "The Process of Decolonization International Legal Aspects," *University of Baltimore Law Review* 2, no. 1 (1972): Article 3. Available at: <http://scholarworks.law.ubalt.edu/ublrvol2/iss1/3> [Accessed 22 June 2024]

Mark Kersten, "Rights Without Remedies: The Failure of the International Court of Justice to Order a Ceasefire to Stop Alleged Genocide in Gaza," *Justice in Conflict*, 1

February 2024. Available at: <https://justiceinconflict.org/2024/02/01/rights-without-remedies-the-failure-of-the-international-court-of-justice-to-order-a-ceasefire-to-stop-alleged-genocide-in-gaza/> [Accessed 23 July 2024]

Mark Lattimer, “The International Court of Justice's Interim Measures to Prevent Genocide in Gaza,” *Lawfare*, 26 January 2024. Available at: <https://www.lawfaremedia.org/article/the-international-court-of-justice's-interim-measures-to-prevent-genocide-in-gaza> [Accessed 23 July 2024]

Maziar Motamedi and Federica Marsi, “Israel War on Gaza Updates: “Pattern of Systematic Mass Killing” Continues,” *Al Jazeera*, 18 July 2024. Available at: <https://www.aljazeera.com/news/liveblog/2024/7/18/israels-war-on-gaza-live-all-rules-of-war-broken-as-gaza-schools-bombed> [Accessed 23 July 2024]

McGreal, Chris, "The language being used to describe Palestinians is genocidal", *The Guardian*, October 16, 2023. Available at: <https://www.theguardian.com/commentisfree/2023/oct/16/the-language-being-used-to-describe-palestinians-is-genocidal> [Accessed 3 July 2024]

Michael Lynk, “Can International Law Prevail in Gaza and Israel?”, *DAWN*, 13 November 2023. Available at: <https://dawnmena.org/can-international-law-prevail-in-gaza-and-israel/> [Accessed 8 July 2024]

Morrison, Heidi, “Review: Incarcerated Childhood and the Politics of Unchilding, by Nadera Shalhoub-Kevorkian”, *Journal of Palestine Studies*, 49(3), pp. 82–84, December 11, 2020. Available at: <https://doi.org/10.1525/jps.2020.49.3.82> [Accessed 8 July 2024]

Muhammed Enes Calli, “ICJ Opinion on Occupation of Palestine Could “Change Political Calculus in West,” Leave Israel “More Isolated”: Experts,” *Anadolu Agency*, 19 July 2024. Available at: <https://www.aa.com.tr/en/middle-east/icj-opinion-on-occupation-of-palestine-could-change-political-calculus-in-west-leave-israel-more-isolated-experts/3279698> [Accessed 23 July 2024]

Murphy, R., Ferrara, A., and Power, S. (2023). Chapter 3 The Occupation of Palestine from a TWAIL Lens. In *Prolonged Occupation and International Law*, Leiden, The

Netherlands: Brill | Nijhoff. Available From: Brill  
[https://doi.org/10.1163/9789004503939\\_005](https://doi.org/10.1163/9789004503939_005) [Accessed 22 July 2024]

Netanyahu, Benjamin, “Excerpt from PM Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s Second Session,” *Ministry of Foreign Affairs*, 16 October 2023. Available at: <https://www.gov.il/en/pages/excerpt-from-pm-netanyahu-s-remarks-at-the-opening-of-the-knesset-s-winter-assembly-16-oct-2023> [Accessed 3 July 2024]

Netanyahu, Benjamin, “Christmas message from PM Netanyahu”, *Ministry of Foreign Affairs*, 24 December 2023. Available at: <https://www.gov.il/en/pages/christmas-message-from-pm-netanyahu-24-dec-2023> [Accessed 3 July 2024]

Niamh Ní Bhriain and Mark Akkerman, “The EU’s Support for Israel Makes It Complicit in Genocide”, *Al Jazeera*, 6 July 2024. Available at: <https://www.aljazeera.com/opinions/2024/7/6/the-eus-support-for-israel-makes-it-complicit-in-genocide> [Accessed 23 July 2024]

Niamh Ní Bhriain and Mark Akkerman, “Partners in Crime: EU Complicity in Israel’s Genocide in Gaza”, *Transnational Institute*, Summary, 4 June 2024. Available at: <https://www.tni.org/en/publication/partners-in-crime-EU-complicity-Israel-genocide-Gaza> [Accessed 23 July 2024]

Noura Erakat, “Israel Does not Have Right to Self-Defense in International Law Against Occupied Palestinian Territory”, *Legal Agenda*, 17 July 2014. Available at: <https://english.legal-agenda.com/israel-does-not-have-right-to-self-defense-in-international-law-against-occupied-palestinian-territory/> [accessed 23 July 2024]

OCHA, “Occupied Palestinian Territory: REPORTED IMPACT SINCE 7 OCTOBER 2023.” Available at: <https://www.ochaopt.org/> [Accessed 8 July 2024]

OHCHR, "Gaza: UN Experts Call on International Community to Prevent Genocide Against Palestinians", *United Nations*, 27 November 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against> [Accessed 23 July 2024]

Omaar, Rageh, and Omari, Jessica, "Israeli president Isaac Herzog says Gazans could have risen up to fight "evil" Hamas", ITV News, 13 October 2023. Available at: <https://www.itv.com/news/2023-10-13/israeli-president-says-gazans-could-have-risen-up-to-fight-hamas> [Accessed 3 July 2024]

Pappé, Ilan, *The Ethnic Cleansing of Palestine*. London, England: Oneworld Publications, 2007.

Patton, Anthony, "The Israel-Palestine Conflict: History, Causes, and International Law", *World Without Genocide*. Available at: [https://worldwithoutgenocide.org/genocides-and-conflicts/israel-palestine-conflict-history-causes-and-international-law#\\_ftn28](https://worldwithoutgenocide.org/genocides-and-conflicts/israel-palestine-conflict-history-causes-and-international-law#_ftn28) [Accessed 3 July 2024]

PCHR, *Israel's Measures Intended to Prevent Births within Gaza Strip*, March 9, 2024. Available at: <https://pchrgaza.org/en/wp-content/uploads/2024/03/Israels-Measures-intended-to-Prevent-Births-within-Gaza-Strip-1.pdf> [Accessed 8 July 2024]

Perugini, Nicola, and Neve Gordon, "The Paradox of Human Rights", *The Human Right to Dominate*, *Oxford Studies in Culture and Politics*, New York, 2015; online edn, Oxford Academic, 18 June 2015. Available at: <https://doi.org/10.1093/acprof:oso/9780199365012.003.0002> [accessed 22 July 2024]

Rashmin Sagoo, "The ICC Prosecutor's Applications for Arrest Warrants Explained," Chatham House, 21 May 2024. Available at: <https://www.chathamhouse.org/2024/05/icc-prosecutors-applications-arrest-warrants-explained> [Accessed 23 July 2024]

Rashmin Sagoo, "South Africa's Genocide Case Against Israel: The International Court of Justice Explained," Chatham House, 26 January 2024. Available at: <https://www.chathamhouse.org/2024/01/south-africas-genocide-case-against-israel-international-court-justice-explained> [Accessed 23 July 2024]

Roy, Sara, "The Gaza Strip: Critical Effects of the Occupation.", *Arab Studies Quarterly* 10, no. 1, 1988: 59-103. Available at: <http://www.jstor.org/stable/41857956> [accessed 22 June 2024]

Said, Edward W., *Orientalism*, 1st ed. Penguin Classics, 2003. ISBN 978-0141187426

Santillana, Maria, "Beyond the Battlefield: How gender-based violence in the Israel-Gaza conflict is a reproductive rights crisis", *International Institute for Democracy and Electoral Assistance*, March 8, 2024. Available at: <https://www.idea.int/blog/beyond-battlefield-how-gender-based-violence-israel-gaza-conflict-reproductive-rights-crisis> [Accessed 8 July 2024]

Selman Aksünger, "US "Complicit" in Genocide Through Its Unconditional Support for Israel", *Anadolu Agency*, 7 June 2024. Available at: <https://www.aa.com.tr/en/middle-east/us-complicit-in-genocide-through-its-unconditional-support-for-israel/3242882#:~:text=The%20ongoing%20genocide%20in%20Gaza,%22state%20complicity%20in%20genocide.%22> [Accessed 23 July 2024]

Smith, David Livingstone, *Less Than Human: Why We Demean, Enslave, and Exterminate Others*, St. Martin's Publishing Group, 2011

Stanton, Dr. Gregory H., "Ten Stages of Genocide," *Genocide Watch*, 1996. Available at: <https://www.genocidewatch.com/tenstages> [Accessed 3 July 2024]

The Guardian, "Israel-Gaza War: Netanyahu Rejects Genocide Claims as "False and Outrageous"; Palestinian Authority Welcomes ICJ Ruling – as It Happened," 24 May 2024. Available at: <https://www.theguardian.com/world/live/2024/may/24/israel-gaza-war-live-icj-rafah-benjamin-netanyahu-latest-live-news-updates> [Accessed 23 July 2024]

The Guardian, "Israel-Gaza War: US Mediators Making Progress on Ceasefire Deal but Still "Gaps to Close," Says Biden – As It Happened", 12 July 2024. Available at: <https://www.theguardian.com/world/live/2024/jul/12/israel-gaza-war-live-us-mediators-making-progress-on-ceasefire-deal-but-still-gaps-to-close-says-biden> [Accessed 23 July 2024]

The New Arab Staff, "Israeli diplomat, politician call for 'complete destruction of Gaza' in live television rants", *The New Arab*, 27 October 2023. Available at: <https://www.newarab.com/news/israel-diplomat-calls-destruction-gaza-tv-rant> [Accessed 3 July 2024]

Tondo, Lorenzo, Sufian Taha, and Jason Burke, "‘Barbaric’: Palestinian Lorry Drivers Recount Settlers’ Attack on Gaza Aid Convoy", *The Guardian*, May 16, 2024. Available at: <https://www.theguardian.com/world/article/2024/may/16/palestinian-lorry-drivers-israeli-settlers-attack-gaza-aid-convoy> [Accessed 8 July 2024]

Tracey, Michael, Tweet, 28 October 2023, *Twitter*. Available at: <https://twitter.com/mtracey/status/1718360354764238929> [Accessed 3 July 2024]

Tyler McBrien, "South Africa and Israel Deliver Oral Arguments in ICJ Case Alleging Genocide," *Lawfare*, 13 January 2024. Available at: <https://www.lawfaremedia.org/article/south-africa-and-israel-deliver-oral-arguments-in-icj-case-alleging-genocide> [Accessed 23 July 2024]

Udayvir Ahuja, "Global Conflicts in the New Age: The Role of ICJ," *Observer Research Foundation*, 6 April 2024. Available at: <https://www.orfonline.org/expert-speak/global-conflicts-in-the-new-age-the-role-of-icj/> [Accessed 23 July 2024]

United Nations, *Origins and Evolution of the Palestine Problem: 1917-1947 Part I*. Available at: <https://www.un.org/unispal/history2/origins-and-evolution-of-the-palestine-problem/part-i-1917-1947/> [accessed 22 June 2024]

United Nations, *Origins and Evolution of the Palestine Problem: Part II (1947-1977)*. Available at: <https://www.un.org/unispal/history2/origins-and-evolution-of-the-palestine-problem/part-ii-1947-1977/> [accessed 22 June 2024]

United Nations, "Genocide," *UN.org* Available at: <https://www.un.org/en/genocideprevention/genocide.shtml> [Accessed 3 July 2024]

United Nations Regional Information Centre, "South Africa vs Israel: 13 Other Countries Intend to Join the ICJ Case," UNRIC, 10 June 2024. Available at: <https://unric.org/en/south-africa-vs-israel-12-other-countries-intend-to-join-the-icj-case/> [Accessed 23 July 2024]

United Nations Security Council, "Resolution 2712 (2023): Urgent and Extended Humanitarian Pauses and Corridors in Gaza," *United Nations*, 24 December 2023.

Available at: <https://www.un.org/unispal/document/urgent-and-extended-humanitarian-pauses-and-corridors-in-gaza-security-council-resolution-2712-2023/> [Accessed 23 July 2024]

United Nations Security Council, "Resolution S/RES/2720 (2023): Security Council Resolution on the Situation in Gaza," *United Nations*, 22 December 2023. Available at: <https://www.un.org/unispal/document/security-council-resolution-s-res-2720-22dec2023/> [Accessed 23 July 2024]

United Nations Security Council, "Resolution 2728 (2024): Demanding an Immediate Ceasefire During the Month of Ramadan," *United Nations*, 25 March 2024. Available at: <https://www.un.org/unispal/document/sc-adopted-resolution-2728-2024-demanding-for-an-immediate-ceasefire-during-the-month-of-ramadan-25mar24/> [Accessed 23 July 2024]

United Nations News, "Gaza: Security Council Adopts US Resolution Calling for 'Immediate, Full and Complete Ceasefire'", 10 June 2024. Available at: <https://news.un.org/en/story/2024/06/1150886> [Accessed 23 July 2024]

United States Department of State, "Memorandum by the President's Special Assistant (Matthews) to President Truman.", *In Foreign Relations of the United States, 1948, Volume V, Part 2, Palestine*. Available at: <https://history.state.gov/historicaldocuments/frus1948v05p2/d57> [accessed 22 June 2024]

UNRWA, "Press Conference: Update on the Occupied Palestinian Territory," June 25, 2024, Available at: <https://www.unognewsroom.org/teleprompter/en/2242/unrwa-press-conference-update-on-the-occupied-palestinian-territory-25-june-2024/6749> [Accessed 8 July 2024]

UN Women, *Gender alert: Scarcity and fear: A gender analysis of the impact of the war in Gaza on vital services essential to women's and girls' health, safety, and dignity – Water, sanitation, and hygiene (WASH)*, UN Women, April 2024. Available at:

<https://www.unwomen.org/sites/default/files/2024-04/gender-alert-gender-analysis-of-the-impact-of-the-war-in-gaza-on-vital-services-essential-to-womens-and-girls-health-safety-en.pdf> [Accessed 8 July 2024]

Verthaim, David, Tweet, 7 October 2023, *Twitter*. Available at: <https://twitter.com/dverthaim/status/1710684531114602891?s=48> [Accessed 3 July 2024]

Vibert, Elizabeth, "How Colonialist Depictions of Palestinians Feed Western Ideas of Eastern 'Barbarism'", *The Conversation*, November 16, 2023. Available at: <https://theconversation.com/how-colonialist-depictions-of-palestinians-feed-western-ideas-of-eastern-barbarism-217513> [Accessed 6 July 2024]

Voltaire Foundation, "The Scottish Enlightenment Four Stages Theory: A (Re-)Introduction", *Voltaire Foundation Blog*, March 1, 2017. Available at: <https://voltairefoundation.wordpress.com/2017/03/01/the-scottish-enlightenment-four-stages-theory-a-re-introduction/> [Accessed 6 July 2024]

Wikipedia, "United Nations Security Council Resolution 2728", 2024. Available at: [https://en.wikipedia.org/wiki/United\\_Nations\\_Security\\_Council\\_Resolution\\_2728](https://en.wikipedia.org/wiki/United_Nations_Security_Council_Resolution_2728) [Accessed 23 July 2024]

Yussef Al Tamimi, "Implications of the ICJ Order (South Africa v. Israel) for Third States," *EJIL: Talk!*, 6 February 2024. Available at: <https://www.ejiltalk.org/implications-of-the-icj-order-south-africa-v-israel-for-third-states/> [Accessed 23 July 2024]